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# ***Illinois Register***

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## **Rules of Governmental Agencies**

Volume 20, Issue 04— January 26, 1996

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**Editor's Note:** The Cumulative Index and Sections Affected Index will be printed on a quarterly basis. The printing schedule for the quarterly and annual indexes are as follows:

April 19, 1996 - Issue 16: Through	March 31, 1996
July 19, 1996 - Issue 29: Through	June 30, 1996
October 18, 1996 - Issue 42: Through	September 30, 1996
January 17, 1997 - Issue 3: Through	December 31, 1996 (Annual)



## DEPARTMENT OF CORRECTIONS

## NOTICE OF PROPOSED RULE

1) Heading of the Part: Secure Residential Youth Care Facility

2) Code Citation: 20 Ill. Adm. Code 801

3) Section Numbers: Proposed Action:

801.10	New
801.15	New
801.20	New
801.25	New
801.30	New
801.40	New
801.50	New
801.60	New
801.70	New
801.80	New
801.90	New
801.100	New
801.110	New
801.120	New
801.130	New
801.140	New
801.150	New
801.160	New
801.170	New
801.180	New
801.190	New
801.200	New
801.210	New
801.220	New
801.230	New
801.240	New
801.310	New
801.315	New
801.320	New
801.325	New
801.330	New
801.340	New
801.350	New
801.360	New
801.370	New
801.380	New
801.390	New
801.400	New
801.410	New
801.420	New
801.430	New
801.440	New

## DEPARTMENT OF CORRECTIONS

## NOTICE OF PROPOSED RULE

801.450	New
801.460	New
801.470	New
801.480	New
801.490	New
801.500	New
801.510	New
801.520	New
801.530	New
801.540	New
801.550	New
801.560	New
801.570	New
801.580	New
801.590	New
801.600	New
801.610	New
801.620	New
801.630	New
801.640	New
801.650	New
801.660	New
801.670	New
801.680	New
801.690	New
801.700	New
801.710	New
801.720	New
801.730	New
801.740	New
801.750	New
801.760	New
801.770	New
801.780	New
801.790	New
801.800	New
801.810	New
801.820	New
801.830	New
801.840	New
801.850	New
801.860	New
801.870	New
801.880	New
801.890	New

4) Statutory Authority: Implementing and authorized by the Secure Residential Youth Care Facility Licensing Act [730 ILCS 175].

## DEPARTMENT OF CORRECTIONS

## NOTICE OF PROPOSED RULE

- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking establishes the licensing requirements and operational standards for Secure Residential Youth Care Facilities. Such facilities will provide a secure residential setting for the care, treatment, and custody of youth adjudicated delinquent who have been transferred to the custody of the Department under Section 3-10-11 of the Unified Code of Corrections [730 ILCS 5/3-10-11].
- 6) Will this proposed rule replace an emergency rule currently in effect? Yes
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed rule (amendment, repealer) contain incorporation by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand any State mandate.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments to:

Donald N. Snyder, Jr., Deputy Director  
Illinois Department of Corrections  
1301 Concordia Court  
P. O. Box 19277  
Springfield, IL 62794-9277  
(217) 522-2666, extension 2082

All written comments received within the 45-day First Notice period will be considered.

## 12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: Secure Residential Youth Care Facilities
- B) Reporting, bookkeeping or other procedures required for compliance: Accrual accounting, population reports, reports of unusual incidents, and other periodic reporting as indicated in the rule.
- C) Types of professional skills necessary for compliance: Degrees appropriate to the position, such as a degree in Human Services, Social Work, etc. and skills in the treatment, care, development, and behavioral management of youth.

## DEPARTMENT OF CORRECTIONS

## NOTICE OF PROPOSED RULE

- 13) Regulatory Agenda on which this rulemaking was summarized: January 1996

The full text of the Proposed Rule(s) begins on the next page:



## DEPARTMENT OF CORRECTIONS

## NOTICE OF PROPOSED RULE

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT  
 CHAPTER I: DEPARTMENT OF CORRECTIONS  
 SUBCHAPTER h: MISCELLANEOUS STANDARDS

## PART 801

## SECURE RESIDENTIAL YOUTH CARE FACILITY

## SUBPART A: LICENSING PROCEDURES

Section	
801.10	Applicability
801.15	Designees
801.20	Definitions
801.25	Variances
801.30	Licenses Required
801.40	Licensing Fee
801.50	Application for License
801.60	Licensing Requirements
801.70	Responsibilities of the Governing Body
801.80	On-site Inspection of Programs, Security, and Operations
801.90	Background Investigations
801.100	Criminal Convictions and Pending Criminal Charges
801.110	Confidentiality of Personnel Information Received
801.120	Permits
801.130	Expedited Permits
801.140	Application for Renewal of License
801.150	Grounds for Revocation, Termination, or Refusal to Issue or Renew a License, Permit, or Expedited Permit
801.160	Complaints Concerning Licensees
801.170	Investigation of Complaints, Potential Deficiencies, or Violations Concerning Licensees
801.180	Disposition of Complaints, Potential Deficiencies, or Violations Concerning Licensees
801.190	Conditional License
801.200	Closure Order
801.210	Procedure for Revocation or Refusal to Renew a License
801.220	Licensing Hearing
801.230	Operation Without a License, Permit, or Expedited Permit
801.240	Severability of this Part

## SUBPART B OPERATING STANDARDS

Section	
801.310	Applicability
801.315	Designees
801.320	Definitions
801.325	Purpose and Mission
801.330	Admission and Release Policy

## DEPARTMENT OF CORRECTIONS

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801.340	Administration
801.350	Reports and Correspondence
801.360	Media Access
801.370	Fiscal Management
801.380	Insurance
801.390	Funds and Property of Youth
801.400	Personnel
801.410	Training and Staff Development
801.420	Records of Youth
801.430	Juvenile Tracking System
801.440	Research
801.450	Volunteers
801.460	Capacity
801.470	Physical Plant
801.480	Accessibility to Individuals with Disabilities
801.490	Supervision of Youth
801.500	Security Procedures
801.510	Use of Force
801.520	Youth Counts
801.530	Youth Movement
801.540	Security Restraints
801.550	Control of Contraband
801.560	Searches
801.570	Key Control
801.580	Tools and Equipment
801.590	Vehicles
801.600	Safety and Emergency Procedures
801.610	Criminal Violations
801.620	Warrants
801.630	Youth Rights
801.640	Discipline of Youth
801.650	Confinement
801.660	Grievance Procedures
801.670	Food Service
801.680	Safety and Sanitation
801.690	Bedding, Linen, and Clothing
801.700	Personal Hygiene
801.710	Health Care Services
801.720	Mental Health Services
801.730	Pharmaceutical Items
801.740	Health and Dental Screening and Examinations
801.750	Medical Responses
801.760	Health Education
801.770	Suicide Prevention and Intervention
801.780	Health Records
801.790	Youth Admission and Case Management
801.800	Classification, Program, and Treatment
801.810	Social and Psychological Service Programs

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which a formal finding of a violation of licensing procedures or standards or federal, State, or local laws has been made by the Department. A conditional license is a nonrenewable license which is issued for a period of six months.

"Controlled substances" means any substance identified in Section 102 of the Illinois Controlled Substances Act [720 ILCS 570/102], including cannabis as defined in Section 3 of the Cannabis Control Act [720 ILCS 550/3].

- 801.820 Education
- 801.830 Library Services
- 801.840 Recreation and Leisure Time Activities
- 801.850 Religious Programs
- 801.860 Mail
- 801.870 Telephones
- 801.880 Visits
- 801.890 Release

"Department" means the Illinois Department of Corrections.

"Deputy Director" means the Deputy Director of the Juvenile Division of the Department.

"Director" means the Director of the Department.

AUTHORITY: Implementing and authorized by the Secure Residential Youth Care Facility Licensing Act [730 ILCS 175].

SOURCE: Emergency rule added at 19 Ill. Reg. 16856, effective December 7, 1995, for a maximum of 150 days; adopted at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

"Drug test" means a urinalysis or blood test conducted by a laboratory certified by the Substance Abuse and Mental Health Services Administration, formerly the National Institute on Drug Abuse, to identify the presence of illegal or controlled substances.

SUBPART A: LICENSING PROCEDURES

"Expedited permit" means a document issued by the Department to allow an applicant who is licensed by the Illinois Department of Children and Family Services as a child care residential facility to operate a secure residential youth care facility for a six-month period while providing a reasonable time to become eligible for a license, if applicable.

Section 801.10 Applicability

This Subpart applies to any person, group of persons, corporations, or entity other than an Illinois Department of Corrections facility which intends to develop, establish, maintain, or operate a secure residential youth care facility in the State of Illinois.

"Finding" means a report of results of an investigation of a complaint or grounds for revocation or termination by staff authorized by the Director.

Section 801.15 Designees

Unless otherwise specified, whenever a title such as Director or Deputy Director is used in this Subpart, it means the person who holds that title or the person who has been designated in writing to fulfill the duties of that title on a routine basis or during a temporary absence or an emergency.

"Governing body" means the board of directors of a corporation or partners, owners, proprietors, members, managers, or other entity or persons legally responsible for the operation of the facility.

Section 801.20 Definitions

"Hearing" means any formal proceeding held by the Department regarding the revocation of a license or refusal to renew a license to operate a secure residential youth care facility.

"Act" means the Secure Residential Youth Care Facility Licensing Act [730 ILCS 175].

"Insolvent" means:

with regard to entities other than partnerships, the entity's financial condition is such that the sum of its debts is greater than all of its property, at a fair valuation, exclusive of property transferred, concealed, or removed with intent to hinder, delay, or defraud its creditors; or

with regard to a partnership, the sum of the partnership's debts

"Charges" means a written statement of findings of non-compliance issued by the Department against a licensee for the purpose of an administrative hearing.

"Complaint" means any oral or written report made to or by the Department alleging violation of federal, State, or local laws and rules and regulations related to the licensing or operation of secure residential youth care facilities.

"Conditional License" means a temporary license issued to any secure residential youth care facility holding a license under the Act for



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is greater than the aggregate of:

all of the partnership's property, at fair valuation, exclusive of property transferred, concealed, or removed with intent to hinder, delay, or defraud its creditors; and the sum of the excess of the value of each general partner's nonpartnership property, exclusive of property transferred, concealed, or removed with intent to hinder, delay, or defraud its creditors, over such partner's nonpartnership debts.

"Investigation" means an information gathering and assessment process initiated and conducted by the Department in order to determine compliance with Department or local regulatory or law enforcement agency's rules and regulations or with federal, State, and local laws.

"License" means a document issued by the Department to allow the applicant to establish or operate a secure residential youth care facility.

"Licensee" means those individuals, agencies, or organizations who hold a license, a permit, or an expedited permit.

"Licensing Administrator" means Department staff authorized by the Director to oversee the licensing process and operations of secure residential youth care facilities holding a license, permit, or expedited permit.

"Licensing representative" means Department staff authorized by the Director to examine facilities applying for a license, permit, or expedited permit.

"Licensing study" means the formal review of the application for a license or license renewal for a secure residential youth care facility by an authorized licensing representative. The study shall include an on-site visit of the premises and a review of the facility records as the Department considers necessary in determining that the facility meets or continues to meet licensing procedures and standards contained in this Part.

"Permit" means a one-time document issued by the Department for a six-month period to allow a new licensing applicant or the holder of an expedited permit to become eligible for a license.

"Plan" means the facility's written policy, procedures, and practices in a particular area.

"Secure residential youth care facility" as defined in the Act means a facility, or portion thereof:

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where youth are placed and reside for care, treatment, and custody;

that is designed and operated so as to ensure that all entrances and exits from the facility, or from a building or distinct part of a building within the facility, are under the exclusive control of the staff of the facility, whether or not the youth has freedom of movement within the perimeter of the facility or within the perimeter of a building or distinct part of a building within the facility; and

that uses physically restrictive construction including, but not limited to, locks, bolts, gates, doors, bars, fences, and screen barriers. This definition does not include jails, prisons, detention centers, or other correctional facilities; State operated mental health facilities; or facilities operating as psychiatric hospitals under a license pursuant to the Nursing Home Care Act [210 ILCS 45] or the Hospital Licensing Act [210 ILCS 85]. [730 ILCS 175/45-10]

"Substance abuse" means the illegal or unauthorized use of controlled substances or the misuse of over-the-counter medications.

"Variance" means the waiver by the Deputy Director of one or more of the standards prescribed in this Part for a specific period of time.

"Youth" as defined in the Act means an adjudicated delinquent who is 18 years of age or under and is transferred to the Department pursuant to Section 3-10-11 of the Unified Code of Corrections [730 ILCS 5/3-10-11].

## Section 801.25 Variances

a) Requests for variances from compliance with any Section in this Part shall be submitted in writing to the Deputy Director for review and decision. The request shall contain a detailed description of the requested variance, an explanation of why such a variance is deemed necessary, and an indication of why strict compliance with the particular standard would result in undue hardship.

b) Variances may be granted for specific time periods pending compliance. However, no variance will be granted if:

- 1) The Deputy Director determines that the variance would jeopardize the safety, security, or programming of the facility; or
- 2) The variance involves compliance with local building, zoning, health, sanitation, or other safety requirements as specified by federal, State, or local laws or compliance with the fire safety requirements of the State Fire Marshal, unless the facility submits written approval obtained directly from the other relevant regulatory body.

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**Section 801.30 Licenses Required**

- a) Any person, group of persons, corporation, or other entity who or which receives youth or arranges for care and placement of one or more youth unrelated to the operator and who desires to develop, establish, maintain, or operate a secure residential youth care facility, except for Department-run facilities, must obtain a license, permit, or an expedited permit from the Department prior to commencing operations.
- b) Before a license, permit, or expedited permit may be granted, the licensing applicant must provide documentation to the Department's satisfaction of the facility's compliance with federal, State, and local laws as well as all applicable building, zoning, planning, land use, health, and sanitation regulations as specified in federal, State, or local laws or ordinances and with fire safety requirements of the State Fire Marshal and that it meets the requirements prescribed in this Part.

**Section 801.40 Licensing Fee**

- a) The Department shall establish a standard non-refundable licensing fee which must be submitted with each application for a license or renewal of a license. The fee shall be designated on the application form.
- b) Fees collected by the Department shall be deposited into the Secure Residential Youth Care Facility Fund and shall be used for expenses incurred for the administration of the Act.

**Section 801.50 Application for License**

- a) An application for a license to operate a secure residential youth care facility or the renewal of a license shall be completed and signed by the governing body of the facility or its authorized representatives on forms prescribed and furnished by the Department. Forms are available by sending a written request to:

Illinois Department of Corrections  
Deputy Director of the Juvenile Division  
1301 Concordia Court  
P. O. Box 19277  
Springfield, Illinois 62794-9277  
Attn: Licensing Administrator

- b) The application shall include the following:
  - 1) Articles of incorporation and bylaws, including a statement indicating the facility's corporate status is in good standing with the Illinois Secretary of State and whether the institution is for profit or not-for-profit; or a copy of the entity's partnership agreement; or statement of ownership; or articles of organization; and a list of assumed names under which the entity

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- is doing business, as applicable.
- 2) A statement of purpose and range of services, including the types of child care services provided or to be provided, and a general description of the type of security established or to be established.
  - 3) A copy of the current child care residential facility license issued by the Department of Children and Family Services pursuant to 89 Ill. Adm. Code 404, if applicable.
  - 4) List of officers, board members, managers, proprietors, committees, partners, owners, and major shareholders of the legal entity, as applicable.
  - 5) Annual current operating budget and projected budget showing anticipated expenses and income.
  - 6) Evidence of compliance with local building, zoning, health, sanitation, or other safety requirements as specified in federal, State, or local laws and with fire safety requirements of the State Fire Marshal.
  - 7) A facility site plan of the proposed site in which the specific use of each building and the specific floor plan showing each room to be used for secure residential youth care is identified and an explanation of the facility locking, lighting, and communication features is included. All secure doors, windows, and perimeter structures, including fencing and gates, shall be shown.
  - 8) The program and operations plan for secure residential youth care submitted pursuant to Subpart B of this Part.
  - 9) The staffing plan for the secure residential youth care program which provides for continuous supervision, treatment services, and security for youth in custody and which includes the number of staff, their minimum qualifications, pre-service orientation and on-going training for staff, and complete job description and job titles.
  - 10) A description of the quality assurance mechanism for the services provided within the secure residential youth care program.
  - 11) Documentation of background checks conducted pursuant to Section 801.90.
  - 12) The appropriate application fee per Section 801.40.
- c) A new application shall be required whenever:
- 1) An application for license has been withdrawn and the facility seeks to reapply;
  - 2) There is a change of facility location, major renovation, or construction of a new facility;
  - 3) There is a change of licensee's ownership, name, supervising agency, or corporate status or the individual who holds a license, permit, or expedited permit has died; or
  - 4) A new license is sought after the Department has either revoked a license, refused to renew a license, terminated a permit or expedited permit, or refused to issue a license to a holder of a



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- permit or expedited permit.
- d) A new application may be submitted at any time after a license, permit, expedited permit, or application has been voluntarily surrendered or withdrawn by the applicant.
  - e) If the Department has refused to renew a license, has revoked a license, has terminated a permit or expedited permit, or has refused to issue a license to a holder of a permit or expedited permit, the facility may not reapply for licensure before the expiration of 12 months after the Department's action.
  - f) If the applicant's mailing address, but not the physical location changes, the Department shall be notified immediately, but no later than ten days after the change. A current phone number and, if available, a fax number shall be provided to the Department.
  - g) The Department shall conduct on-site inspections and ensure that background investigations are conducted in accordance with this Part.
  - h) The Department may waive requirements of this Part when it is determined that the requirements have been substantially met because the facility holds a child care residential facility license issued by the Department of Children and Family Services or as otherwise approved by the Deputy Director.
  - i) The Department licensing representative shall conduct a licensing study in accordance with the requirements of this Part and submit a recommendation regarding licensure to the Licensing Administrator. The Licensing Administrator shall review and submit the final recommendation to the Deputy Director.
  - j) The Department may issue a license, permit, or an expedited permit or it may issue a notification of refusal to issue a license, permit, or expedited permit within 180 days, whenever possible, after the date the application was received and determined to be complete.

## Section 801.60 Licensing Requirements

- a) A license to operate a secure residential youth care facility shall be valid for two years from the date issued unless revoked by the Department or voluntarily surrendered by the licensee. However, whenever a permit or expedited permit is issued prior to issuance of a license, the license shall be valid for two years from the date the permit or expedited permit was issued.
- b) A license, permit, or expedited permit shall not be issued retroactively.
- c) The license, permit, or expedited permit shall include the licensee's name, the facility name and address, the maximum capacity, the age and gender of youth to be served, whether the facility is also licensed as a child care residential facility by the Department of Children and Family Services, the date issued, and the expiration date.
- d) The license, permit, or expedited permit shall not be transferred to another person, organization, or sponsor, nor shall it be valid for a name, address, or part of the facility other than what is shown on the

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- license, permit, or expedited permit.
- e) The facility shall adhere to the provisions specified on the license, permit, or expedited permit.
  - f) The facility shall maintain a degree of financial solvency that assures compliance with the standards prescribed in this Part and assures adequate care of the youth for whom it has assumed responsibility.
  - g) Financial records shall be maintained and kept in the State of Illinois where they shall be readily available for review by the licensing staff.
  - h) A certified copy of the facility's annual audit as performed by an independent auditor shall be submitted to the Department upon request.
  - i) The Department shall be notified immediately if the facility is determined to be financially insolvent.
  - j) Changes in the following shall occur only upon prior approval of the Department:
    - 1) The age, gender, or characteristics of children accepted into the secure residential youth care facility;
    - 2) The programming modality used by the facility;
    - 3) The capacity of the facility;
    - 4) The area within the facility used for secure residential youth care; or
    - 5) The security, operations and treatment plans to be used by the facility.
  - k) The license capacity of the secure residential youth care facility shall be increased only when the facility is in compliance with the licensing and operating standards set forth in this Part or as approved by the Department when it is in the best interest of the health, safety, and welfare of the youths served.
  - l) The licensee shall give 90 days notice to the Department prior to voluntarily closing or terminating its secure residential youth care facility. The notice shall state the proposed date of closing and the reason for the closing. The facility shall operate in compliance with the standards listed in this Part until date of closure or until youth are removed.
  - m) A current license, permit, or expedited permit for the secure residential youth care facility shall be publicly displayed at the facility at all times.

## Section 801.70 Responsibilities of the Governing Body

- a) The governing body of an incorporated facility shall be a board of directors composed of at least five persons. All board members shall be of reputable and responsible character. The governing body shall be responsible for maintaining the standards set forth in this Part.
- b) The governing body of a sole proprietorship or partnership shall be the partners, owners, proprietors, members, managers, or other entity or persons legally responsible for the operation of the facility.

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- c) The governing body shall:
- 1) Provide written by-laws, partnership agreements, articles of organization, or statements of ownership, as applicable;
  - 2) Assure that the facility operates at all times with an on-site administrator, who, by official notice, is made known to the Department;
  - 3) Hold at least two meetings annually;
  - 4) Keep written records or minutes of all board meetings reflecting official actions by the board;
  - 5) Officially notify the Department of any major changes in the corporate structure or a change in the administration of the facility, including: articles of incorporation and by-laws, partnership agreements, articles of organization, board membership, officers, ownership, and changes in services provided by the facility;
  - 6) Establish written policies of the facility which shall be made available to all members of the governing body and employees of the facility, including services to be provided by the facility;
  - 7) Assure that staff have achieved appropriate competency levels for the types of youth in the secure residential youth care facility and are administering the facility's established policies correctly;
  - 8) Assure that the facility has clearly outlined procedures to ensure continuity of care for youth admitted to the secure care program and sufficient linkages to after-care programs to support youth after discharge from secure care;
  - 9) Provide and maintain physical facilities appropriate for the program and supporting services;
  - 10) Maintain and keep all records and documents required by this Part in the State of Illinois where they shall be readily available for review by licensing representatives;
  - 11) Assure fidelity bonding of fiscally responsible officers and employees, elected or appointed, whether or not compensated by salary, against breach of fidelity duty or the loss of monies, securities or other property which the facility may sustain through any fraudulent or dishonest act or acts committed by any officer or employee acting alone or in collusion with others; and
  - 12) Assure that all persons working with youth are of reputable character through compliance with Sections 801.180 and 801.190.

**Section 801.80 On-site Inspection of Programs, Security, and Operations**

- a) Prior to recommending issuance of a license, permit, or expedited permit, the site of a proposed secure residential youth care facility shall be inspected by licensing representatives.
- b) On-site reviews of programs, security, and operations shall be completed by Department licensure staff prior to recommendation for licensure and at least annually thereafter.

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- c) License representatives, within 30 days after the application for licensure has been received and determined to be complete, shall schedule a visit to the facility. The purpose of the visit shall be to assess the secure care program and prepare a written report to the Licensing Administrator regarding:
- 1) Compliance with applicable statutes, licensing procedures, and standards;
  - 2) The adequacy of security, programming, and care outlined in the program plan;
  - 3) The degree to which the program, as outlined, can reasonably be expected to ensure security, safety, continuity of care, and the provision of adequate after-care planning and services;
  - 4) The adequacy of number of staff, staff qualifications, and training;
  - 5) The adequacy of the physical plant, site, and facility design in relation to implementing a secure program; and
  - 6) Whether the quality assurance, security policies, and evaluation mechanisms developed by the facility can reasonably be expected to control the use of behavior management techniques and security practices within the secure residential youth care facility and to minimize the frequency of unusual incidents within the program.
- d) In order to determine continuing compliance with applicable statutes and rules, a licensee's secure residential youth care facility may, without prior notice, be visited periodically by authorized representatives of the Department.

**Section 801.90 Background Investigations**

- a) No secure residential youth care facility license applicant may receive a license, permit, or an expedited permit from the Department, and no person may be employed by a licensed facility unless he or she provides written authorization for a background check which may include, but not be limited to:
  - 1) A search of the Child Abuse and Neglect Tracking System (CANTS) maintained by the State Central Register to determine whether the person has been indicated as a perpetrator of child abuse or child neglect;
  - 2) A check of the criminal justice information systems, including, but not limited to, those maintained by the Illinois Department of State Police, the Federal Bureau of Investigation, and the United States Department of Justice, to determine whether the person has been charged with a crime, and if so, the disposition of the charges; and
  - 3) A pre-employment drug test and an agreement to random drug testing when the Department or the secure residential youth care facility has reasonable suspicion of abuse.
- b) The authorization required under this Section shall be on forms



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prescribed by the Department and shall include:

- 1) Identifying information consisting of name, address, social security number, date of birth, height, weight, hair and eye color, and previous names and addresses;
  - 2) Fingerprints;
  - 3) A declaration under penalty of perjury regarding any prior criminal convictions other than a minor traffic violation; and
  - 4) Authorization for the Department to release the results of the investigation to the governing body or employer.
- c) Each secure residential youth care facility license applicant and employee or prospective employee of a licensed facility shall submit to a fingerprinting process as determined by the Department.
- d) For purposes of this Section only, employees who have been separated from the secure residential youth care facility for six months or longer due to reasons other than approved leave time shall no longer be considered current employees. Upon their return to active duty, such individuals shall be required to again authorize a background investigation pursuant to this Section.
- e) Employees and prospective employees of a multi-function agency otherwise exempt from the requirements of this Section, but whose duties may require that they be on the premises of a secure residential youth care facility, shall authorize the background investigation required by this Section.
- f) An individual who has authorized the background investigation required by this Section may be employed by a secure residential youth care facility on a provisional or probationary basis pending the outcome of any required background investigation of federal records.

**Section 801.100 Criminal Convictions and Pending Criminal Charges**

- a) In assessing the suitability of a license applicant or an employee of a licensed facility, the Department may consider prior criminal charges and their disposition, criminal charges pending at the time of the application, and criminal charges filed during review of the application.
- b) No applicant may receive a license, permit, or expedited permit from the Department and no person may be employed by a secure residential youth care facility licensed by the Department who has been declared a sexually dangerous person under the Sexually Dangerous Person Act [725 ILCS 205] or who has been convicted of committing or attempting to commit any of the following serious offenses under the Criminal Code of 1961 [720 ILCS 5]: first degree murder; indecent solicitation of a child; indecent solicitation of an adult; public indecency; sexual exploitation of a child; sexual relations within families; prostitution; solicitation of a sexual act; soliciting for a prostitute; soliciting for a juvenile prostitute; pandering; keeping a place of prostitution; keeping a place of juvenile prostitution; patronizing a juvenile prostitute; pimping; juvenile pimping;

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exploitation of a child; obscenity; child pornography; kidnapping; aggravated kidnapping; child abduction; aggravated battery of a child; criminal sexual assault; aggravated criminal sexual assault; predatory criminal sexual assault of a child; criminal sexual abuse; aggravated criminal sexual abuse; and an offense in any federal or state jurisdiction for which the elements are similar to any of the foregoing offenses.

- c) Except as described in subsection (b) of this Section, an individual convicted of a crime will not automatically be prohibited from licensure or employment in a licensed secure residential youth care facility. Instead, the following shall be considered:
- 1) The nature of the crime for which the individual was convicted;
  - 2) The circumstances surrounding the commission of the crime, including the age of the individual, that would demonstrate a low likelihood of repetition;
  - 3) The period of time that has elapsed since the crime was committed and the number of crimes for which the individual was convicted;
  - 4) Evidence of rehabilitation such as successful participation in therapy since conviction;
  - 5) A full and unconditional pardon granted by the Governor or the judicial reversal of the conviction upon appeal;
  - 6) Character references; and
  - 7) The relationship of the crime to the capacity to care for youth or to be in contact with youth in a secure residential youth care facility.
- d) An individual against whom criminal charges are pending shall not be automatically denied licensure or employment because of the pending criminal charges. Instead, the following shall be considered:
- 1) The seriousness and nature of the pending charges;
  - 2) The circumstances surrounding the commission of the crime;
  - 3) The relationship of the charges to the ability to care for youth or to be in contact with youth in a secure residential youth care facility;
  - 4) Whether the individual has ever been convicted of or charged with crimes of a similar nature; and
  - 5) Character references and other information, especially information related to child abuse or neglect, about the suitability of the applicant for licensure or employment.
- e) Based on its review, the Department may prohibit the employee or potential employee from participating in the secure residential youth care program pending disposition of the criminal charges. Failure to comply with this restriction may result in suspension, revocation, termination, or denial of a secure residential youth care facility license, permit, or expedited permit.

**Section 801.110 Confidentiality of Personnel Information Received**

- a) All information received by the Department from a law enforcement

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agency which concerns criminal charges and the disposition of such charges of a license applicant, employee, or prospective employee of an applicant is confidential. It may be released only as authorized by this Section.

b) All child abuse and neglect information obtained by the Department concerning a license applicant, employee, or prospective employee of an applicant is confidential and exempt from public inspection as provided under Section 7 of the Freedom of Information Act [5 ILCS 140/7]. Such information shall not be transmitted outside the Department except as provided in the Abused and Neglected Child Reporting Act [325 ILCS 5], and shall not be transmitted to anyone within the Department except as provided in the Abused and Neglected Child Reporting Act, or needed for the purposes of evaluation of a license applicant or for consideration by a secure residential youth care applicant of an employee. It may be released only as authorized by this Section.

c) All criminal history information and child abuse and neglect information provided to the Department shall be used solely for the purpose of evaluating the suitability of the license applicant or employee and shall be accessible only to those Department employees directly involved in the licensing process or specifically designated by the Department to review criminal history information and evaluate applicants.

**Section 801.120 Permits**

a) The Department may issue one six-month permit to a facility to allow that facility reasonable time to become eligible for a license.

b) A permit shall only be issued when:

1) The application for license has been completed pursuant to Section 801.50 and signed by the members of the governing body of the facility or its authorized representative and submitted to the Department.

2) A determination has been made through a licensing study that the facility is in substantial compliance with licensing requirements established in this Part.

3) The study has been completed by the licensing representative and a recommendation has been submitted to the Licensing Administrator recommending a permit be issued. The Licensing Administrator shall issue a report identifying areas of non-compliance which need to be addressed and corrected during the six month duration of the permit.

4) A written plan is developed by the license applicant which is approved by the Licensing Administrator describing how the full requirements for licensure will be met within the permit period.

c) The permit shall not be renewable.

d) A license shall be issued any time within the six-month period covered by the permit provided the facility achieves compliance with the

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Department's licensing standards.

e) The permit may be terminated at any point within the six-month period after a finding by the Licensing Administrator that any of the conditions listed in Section 801.150 of this Subpart exist.

**Section 801.130 Expedited Permits**

a) The Department may issue one six-month expedited permit to a facility which holds a current child care residential facility license issued by the Department of Children and Family Services pursuant to 89 Ill. Adm. Code 404 to allow that facility reasonable time to become eligible for a license.

b) An expedited permit shall only be issued when:

1) The application for license has been completed pursuant to Section 801.50 and signed by the members of the governing body of the facility or its authorized representative and submitted to the Department;

2) A copy of the current license issued by the Department of Children and Family Services has been received and the Department has verified that the licensee is still in good standing;

3) A determination has been made through a licensing study that the facility is in substantial compliance with licensing requirements established in this Part, particularly those relating to security; and

4) The study has been completed by the licensing representative and a recommendation has been submitted to the Licensing Administrator recommending an expedited permit be issued.

c) The expedited permit may be terminated at any point within the six-month period after a finding by the Licensing Administrator that any of the conditions listed in Section 801.150 of this Subpart exist.

**Section 801.140 Application for Renewal of License**

a) Application forms for license renewal prescribed by the Department shall be requested by the facility from the Department prior to the expiration date of the secure residential youth care license. The completed application shall be submitted to the Department three months prior to the expiration date of the license.

b) Upon receipt of the application for license renewal, the Department shall conduct a licensing study. The study shall include an on-site visit of the premises and a review of the records of the facility as the Department considers necessary in order to determine that the facility meets or continues to meet the licensing standards for a secure residential youth care facility. The licensing study shall be in writing and shall be reviewed and signed by the Deputy Director. The Department shall either:

1) Renew the license if the Department is satisfied that the facility continues to maintain the minimum licensing standards;



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- or
- 2) Refuse to renew the license in accordance with Section 801.230
  - c) When a licensee has made timely and sufficient application for renewal of a license and the Department fails to render a decision on the application for renewal of the license prior to the expiration date of the license, the existing license shall continue in full force and effect for up to 30 days until the final Department decision has been made. The Department may, if good cause is shown, further extend the period in which the decision must be made for up to 30 days.

**Section 801.150 Grounds for Revocation, Termination, or Refusal to Issue or Renew a License, Permit, or Expedited Permit**

- a) The Department may revoke a license, refuse to renew a license, refuse to issue a license to a holder of a permit or expedited permit, or terminate a permit or expedited permit of any secure residential youth care facility if there is a finding that the licensee or the licensee's governing body or employees did any of the following:
  - 1) Failed to maintain standards prescribed by the Department.
  - 2) Violated any of the provisions of the license issued.
  - 3) Acted to conceal, misrepresent, or falsify any condition, action, or omission that would demonstrate non-compliance with rules or procedures or a violation of any federal, State, or local law or court order.
  - 4) Failed to submit to the Department required reports or failed to make available to the Department any records required by the Department in conducting an investigation of the facility for licensing purposes.
  - 5) Failed or refused to submit to or fully cooperate with an investigation required by the Department.
  - 6) Failed or refused to admit authorized representatives of the Department at any time for the purpose of investigation.
  - 7) Failed to provide, maintain, equip, and keep in a safe, secure, and sanitary condition premises established or used for secure residential youth care required under standards prescribed by the Department or required by any law, regulation, or ordinance applicable to the location of the facility.
  - 8) Failed to publicly display its license, permit, or expedited permit.
  - 9) Failed to discharge or sever affiliation with an employee or volunteer at the facility who is the subject of an indicated report under Section 3 of the Abused and Neglected Child Reporting Act [325 ILCS 5/3].
  - 10) Failed to exercise reasonable care in the hiring, training, and supervision of facility personnel.
  - 11) Failed to report suspected abuse or neglect of youth within the facility, as required by the Abused and Neglected Child Reporting Act.

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- 12) Failed to report to the Department unusual incidents.
- 13) Was identified in an investigation by the Department or a law enforcement or regulatory agency as a licensee who is employing a substance abuser as defined in Section 1-10 of the Alcoholism and Other Drug Abuse and Dependency Act [20 ILCS 301/1-10] and the individual does not comply with the standards relating to the character, suitability, or other qualifications established under Section 45-70 of the Act.
- 14) Failed to correct any condition which may jeopardize the health, safety, security, or welfare of youth served by the facility.
- 15) Failed to correct any condition or occurrence relating to the operation, security, or maintenance of the facility that violates Section 801.190 of this Part.
- 16) Failed to maintain financial resources adequate to administer a secure residential youth care facility.
- b) If the continued operation of the secure residential youth care facility jeopardizes the health, safety, or welfare of the youth being served or if adequate security is not maintained, the facility may be closed immediately in accordance with Section 801.200.

**Section 801.160 Complaints Concerning Licensees**

- a) Complaints alleging abuse or neglect of children shall be reported immediately to the Department of Children and Family Services in accordance with 89 Ill. Adm. Code 300. The Department of Children and Family Services shall immediately notify the Department upon receipt of any such allegation.
- b) Complaints alleging excessive use of force shall be reported immediately to the Licensing Administrator. The Licensing Administrator shall notify the Department of Children and Family Services upon receipt of any such allegation.
- c) All other complaints concerning secure residential youth care facilities shall be directed orally or in writing to the Department's licensing representatives serving the facility, if known, or to:

Illinois Department of Corrections  
 Deputy Director of the Juvenile Division  
 1301 Concordia Court  
 P. O. Box 19277  
 Springfield, Illinois 62794-9277  
 Attn: Licensing Administrator  
 (217)522-2666

**Section 801.170 Investigation of Complaints, Potential Deficiencies, or Violations Concerning Licensees**

- a) Complaints alleging abuse or neglect to youth in the facility shall be investigated by the Department of Children and Family Services in

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- accordance with 89 Ill. Adm. Code 300.
- b) The Department of Corrections shall initiate a timely investigation of allegations of excessive use of force and all other complaints, potential deficiencies, violations, or evidence of grounds for revocation or termination.
- c) Department investigations may include an interview with the person making the complaint, if known, and with others who may have knowledge relevant to the complaint or deficiency.
- d) An unannounced visit by the licensing representative may be made to the location of the facility.
- e) The facility's refusal to allow the licensing representative to conduct the investigation or failure to otherwise cooperate in the investigation is basis for revocation of the facility license or termination of the permit or expedited permit.

#### Section 801.180 Disposition of Complaints, Potential Deficiencies, or Violations Concerning Licensees

- a) Within 15 business days after completion of the investigation, the Department shall make a formal finding determining whether there was a violation of licensing procedures or standards or federal, State, or local laws.
- b) Within five calendar days after a formal finding of a violation is made by the Department, a letter shall be sent by registered mail, return receipt requested, to the licensee summarizing the findings.
- c) The letter shall:
- 1) Cite the laws or licensing procedures or standards violated;
  - 2) Notify the licensee that within 10 days after the receipt of the letter the licensee may send a written request to the Licensing Administrator requesting an informal review of the decision; and
  - 3) Notify the licensee that failure to correct the violations may result in revocation of the license, refusal to renew a license, termination of a permit or expedited permit, or refusal to issue a license to the holder of a permit or expedited permit.
- d) If a request for informal review of the Department's findings is granted by the Licensing Administrator and the licensee indicates a willingness to correct the violations, a time period for compliance may be allowed as determined by the Licensing Administrator. When a time period is granted, a registered letter of notice shall be sent to the licensee specifying the time period granted to correct the violations, which shall begin upon the licensee's receipt of the registered mail. A licensing representative may make unannounced on-site visits to determine whether the identified violations have been corrected within the time period permitted for compliance.
- e) If, at the conclusion of the period of time granted the licensee for correction of the findings, the licensee has failed to correct the identified violations or if no time period for compliance was authorized, the Department shall issue a conditional license in

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accordance with Section 801.190, shall proceed to revoke or refuse to renew the license in accordance with Section 801.210, or shall terminate the permit or expedited permit.

- f) If threats exist to the health, safety, or welfare of the youth served or to the facility security systems or protocols, suspension or termination of the license, permit, or expedited permit may immediately result.

#### Section 801.190 Conditional License

- a) The Department may issue a conditional license under Section 801.180(e) to any facility holding a secure residential youth care license for which a formal finding of a violation of licensing procedures or standards or federal, State, or local laws has been made by the Department, pursuant to Section 801.180(a).
- b) Conditional licenses shall be granted only to facilities holding a license:
- 1) In which there exists no threat to the health, safety, or welfare of the youth served;
  - 2) Where security systems and protocols are viable; and
  - 3) For which a complete list of deficiencies and a corrective plan has been approved by the Department.
- c) When a conditional license is issued, the Department shall automatically revoke the current secure care license held by the facility.
- d) A conditional license shall be a non-renewable license issued for a period of six months. Failure by the facility to correct the deficiencies or meet all licensing standards by the end of the conditional license period shall result in initiation of revocation proceedings or refusal to renew the facility's license as provided in Section 801.210 of this Part.

#### Section 801.200 Closure Order

- a) Whenever the Department expressly finds that the continued operation of a secure residential youth care facility jeopardizes the health, safety, or welfare of the youth served by the facility or that the facility is unable to maintain adequate security, the Department shall issue an order of closure directing that the operation of the facility terminate immediately, and, if applicable, shall initiate license revocation proceedings within ten working days.
- b) A facility closed under this Section may not operate during the pendency of any judicial review of the decision by the Department to issue an order of closure or to revoke or refuse to renew the license, except under court order.
- 1) Those youth residing at the facility shall be moved immediately.
  - 2) All youth's records, personal property, and any medication shall be released to the Licensing Administrator.



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**Section 801.210 Procedure for Revocation or Refusal to Renew a License**

a) Except as otherwise provided in Section 801.200, the Department shall notify the licensee by registered mail, return receipt requested, prior to revocation or refusal to renew a license.

1) The notice shall be sent to the address specified on the license, or to the address of the ranking or presiding officer of the board of directors or any equivalent body operating the secure residential youth care facility.

2) The notice shall inform the licensee that he or she may, within ten days after receipt of the notice through registered mail, make a request to the Department for a public hearing before the Department and for a written statement of the charges.

b) Upon written request for a hearing by the licensee, notice of the hearing shall be sent by registered mail, return receipt requested. The notice shall include:

1) A written statement of the charges;  
 2) A statement of the date, time, place, and nature of the hearing;  
 3) The names and mailing addresses of the hearing officer, all parties, and all other persons to whom the Department gives notice of the hearing unless otherwise held confidential by law; and

4) A statement of the legal authority and jurisdiction under which the hearing is to be held.

c) The statement of charges shall be provided in writing and shall contain:

1) A plain and concise statement of the matters asserted and the consequences of the failure to respond;  
 2) Citation of the federal, State, or local laws or rules and regulations alleged to be violated; and  
 3) Specific relief sought via this action.

d) The hearing must be held within 30 days after the date of the postmark of the registered mail.

e) The notice must be received by the licensee no later than 15 days prior to the date set for the hearing.

f) The hearing shall be conducted in accordance with Section 801.220.

g) If no request for a hearing is made within ten days after notification, the license shall be revoked or renewal denied.

**Section 801.220 Licensing Hearing**

a) At the date, time, and place designated, the Director, or an individual authorized in writing by the Director to function as the hearing officer, shall conduct a hearing regarding the revocation of a license or the refusal to renew a license to operate a secure residential youth care facility. The hearing shall be governed by the provisions contained in Article 10 of the Illinois Administrative Procedure Act [5 ILCS 100/Art. 10], unless otherwise provided in this

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b) Both the Department and the licensee shall be allowed to present written and oral statements, testimony, and evidence that may be pertinent to the charges or to the defense. A person may appear and be heard on his or her own behalf or through an attorney at law authorized to practice in the State of Illinois.

c) An attorney appearing in a representative capacity shall file a written notice of appearance identifying him or herself by name, address, and telephone number and identifying the party represented.

d) Complaints, amended or supplemental complaints, and petitions or other pleadings, amendments or supplements to any pleadings, motions, affidavits in support of motions, and notices shall be served by the party filing same upon all parties to the proceeding. Proof of such service upon all parties shall be filed with the Department.

1) Service shall be made by delivering in person or by depositing in the United States mail, properly addressed with postage prepaid, one copy to each party entitled thereto. When any party or parties have appeared by attorney, service upon the attorney shall be deemed service upon the party or parties.

2) Proof of service of any paper shall be by a certificate of attorney, affidavit, or acknowledgement.

e) The hearing officer may direct parties or their attorneys to appear at a specified date, time, and place for a conference prior to the date set for the hearing or during the course of such hearing for the purpose of considering:

1) The simplification of issues;  
 2) The necessity or desirability of amending the pleadings for the purpose of clarification, amplification, or limitation with respect to matters alleged in any pleading;  
 3) The possibility of making admissions or stipulations of fact to the end of avoiding the unnecessary introduction of evidence;

4) The procedure at the hearing;

5) The limitation of the number of witnesses;

6) The propriety of prior mutual exchange between or among parties of prepared testimony or exhibits; and

7) Such other matters as may aid in the simplification of the evidence and disposition of the proceeding.

f) All hearings conducted in any proceeding shall be open to the public, except that the hearing officer may close portions of the hearing based on considerations concerning the welfare and safety of the participants or witnesses. In the event of failure to appear at the hearing upon proper notice, the hearing may be held ex parte immediately.

g) The hearing officer shall have full authority to:

1) Rule upon all motions made in the course of a hearing;  
 2) Rule upon all other matters arising in the course of the hearing;  
 3) Require, upon reasonable notice, any party to present further material or relative evidence upon any issue.

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- h) If the respondent believes the hearing officer is biased against such respondent or if there is a conflict of interest, he or she shall petition the Director in writing at least five days prior to the date set for the hearing to appoint another hearing officer to hear the matter. Such petition shall be accompanied by an affidavit setting forth the facts upon which such claim of bias or conflict of interest is based. The Director shall make a determination whether bias or conflict of interest exists, and may remove any hearing officer he or she finds biased or if a determination has been made that a conflict of interest exists.
- i) The technical rules of evidence shall not apply at any hearing. Any evidence having probative value and force, relevant and material to the facts at issue, shall be admitted in the proceedings, subject only to objections to the weight thereof as distinguished from admissibility per se. When the admissibility of evidence is in dispute and depends upon fairly arguable interpretations of law, such evidence shall be admitted.
- j) A party may conduct examinations or cross-examinations without rigid adherence to formal rules. The hearing officer before whom a matter is pending may, in his or her discretion, examine any of the witnesses at a hearing.
- k) Parties may by stipulation agree upon any facts involved in the proceeding. The facts stipulated shall be considered as evidence in the proceeding.
- l) The Department shall designate a court reporting service to make a stenographic record of the hearings.
- 1) The transcript of the hearing shall be transcribed upon request of any party provided that such party shall pay directly to the reporting service the cost of the transcript.
  - 2) Suggested corrections to the transcript may be offered within ten days after the transcript is filed in the proceeding, unless the hearing officer permits suggested corrections to be official thereafter.
- m) Subpoenas for the attendance of witnesses from any place in the State of Illinois, or for the production of relevant books and papers for a hearing in a pending proceeding, may be issued by the Department or the hearing officer upon the motion of any party. Service of subpoenas and payment of witness fees shall be as provided by statute in the Civil Practice Act [735 ILCS 5].
- n) After initiation of a statement of charges, any party, upon written request made to the other party at least three business days prior to the hearing or within five business days after such service of an additional pleading, shall be entitled to:
- 1) Obtain the names and addresses of witnesses whom the other party intends to call to testify at the hearing; and
  - 2) Obtain all writings and documents which the party proposes to offer in evidence.
- o) A party may serve on any other party a written request for the

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- admission by the latter of the truth of any specified relevant fact set forth in the request or for the admission of genuineness of any relevant documents described in the request. Copies of the documents shall be served with the request unless copies have already been furnished.
- p) The hearing officer may continue the hearing from time to time, but not to exceed a single period of 30 days, unless special extenuating circumstances make further continuance feasible.
- q) Within 30 business days after the close of all proofs in the hearing, the hearing officer shall cause to be prepared and filed with the Department originals of findings of fact, conclusions of law, and a recommendation to the Director, together with the entire record in the proceeding.
- r) At any time prior to the entering of findings of facts, conclusions of law, and recommendations by the hearing officer, the parties may seek to terminate the matter by presenting to the Director an agreed order to which they all acknowledge their consent by affixing their respective signatures. Upon the Director's signing such an order, the entire proceeding shall cease, and each party shall be deemed to have waived Administrative Review.
- s) Within 30 business days after receipt of the findings of fact, conclusions of law, recommendations to the Director, and the entire record of the proceeding, the Director shall issue a final administrative decision. A copy of the decision shall be served on each party personally or by certified mail and shall include the findings of fact and conclusions of law. Final administrative decisions of the Department may be judicially reviewed pursuant to the Administrative Review Law [735 ILCS 5/Art. III].
- t) The time within which any act under these rules is to be done shall be computed by excluding the first business day and including the last business day.

## Section 801.230 Operation Without a License, Permit, or Expedited Permit

- a) When the Department is advised or has reason to believe that a secure residential youth care facility is operating without a license, permit, or expedited permit, the Department shall make an investigation to ascertain the facts.
- b) Should the Department be denied access, the intervention of local, county, or State law enforcement agencies shall be requested to seek an appropriate court order or warrant to examine the premises.
- c) If the Department finds that the secure residential youth care facility is being, or has been, operated without a license, permit, or expedited permit, it shall report the results of its investigation to the Attorney General and to the appropriate State's Attorney for prosecution.
- d) At the request of the Director, the Attorney General or the State's Attorney of the county where the violation has occurred shall initiate



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an injunction proceeding. A permanent or temporary restraining order, without bond, to enforce the licensure provisions shall be ordered by the circuit court.

**Section 801.240 Severability of this Part**

If any court of competent jurisdiction finds that any Section, clause, phrase, or provision of this Part is unconstitutional or invalid for any reason whatsoever, this finding shall not affect the validity of the remaining portions of this Part.

## SUBPART B: OPERATING STANDARDS

**Section 801.310 Applicability**

This Subpart applies to any person, group of persons, corporation, or entity other than an Illinois Department of Corrections facility which intends to develop, establish, maintain, or operate a secure residential youth care facility in the State of Illinois.

**Section 801.315 Designees**

Unless otherwise specified, whenever a title such as Director or Deputy Director is used in this Subpart, it means the person who holds that title or the person who has been designated in writing to fulfill the duties of that title on a routine basis or during a temporary absence or an emergency.

**Section 801.320 Definitions**

Except as otherwise provided, terms shall have the same meaning as those defined in Section 801.20 of this Part.

"Corporal punishment" means physical punishment or any punishment of or inflicted on one's person.

"Contraband" means items which are proscribed by criminal law, facility rules, or posted notices; items which the youth has no authorization to possess; or property which is in excess of that authorized by the facility.

"Disability" means a physical or mental impairment that substantially limits one or more of the major life activities of an individual; a record of such impairment; or being regarded as having such impairment.

"Mandatory discharge date" means the final date on which the Department's custody and placement of youth in secure care statutorily terminates, which shall be the youth's 19th birthday or the last day

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of the maximum period of time the youth could serve if committed as an adult, whichever is sooner.

"Mental health professional" means a psychiatrist, physician, psychiatric nurse, clinically trained psychologist, or an individual who has a master's degree in social work and clinical training and who meets the educational, licensing, and certification criteria specified by the respective professional discipline pursuant to appropriate regulations or statutes.

"Serious illness or injury" means an illness or injury which requires treatment at an urgent care center or emergency room or which results in a hospital admission.

"Special needs youth" means a youth whose mental or physical condition requires special handling and treatment by staff.

"Therapeutic restraints" means devices used for the partial or total immobilization of any one or all of the extremities by physical means as determined necessary by a psychiatrist or a physician.

**Section 801.325 Purpose and Mission**

A current written statement of the mission, philosophy, goals, and purposes of the secure residential youth care facility shall be maintained by the facility.

**Section 801.330 Admission and Release Policy**

Only those youth transferred to the Department may be placed in or released from the secure residential youth care facility in accordance with Section 3-10-11 of the Unified Code of Corrections [730 ILCS 5/3-10-11].

**Section 801.340 Administration**

- a) The facility and its programs shall be managed by a Chief Administrative Officer to whom all employees or units of management are responsible.
- b) The facility shall maintain written qualifications and a description of the authority and responsibilities of the Chief Administrative Officer.
- c) An updated table of organization of the facility shall be maintained that groups functions, services, and activities into administrative subunits.
- d) Either the Chief Administrative Officer or an individual designated to act as the Deputy Chief Administrative Officer shall be scheduled at the facility and function as the on-call administrator at all times.
- e) Where direct care services to facility youth are contracted, the role and functions of employees of the contracted agencies as they relate

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to facility treatment, programming, operations, and security shall be covered by a written plan. The plan shall be reviewed at least annually and be updated as needed.

f) The facility shall establish and maintain an updated comprehensive manual which includes, at a minimum, the policies and procedures for the supervision, care, and treatment of youth and the operation and security of the facility, and the maintenance of a drug-free and smoke-free workplace. The manual shall be accessible to the Department.

g) New or revised policies, procedures, and plans shall be approved by the Licensing Administrator prior to dissemination and implementation. Approved policies, procedures, and plans shall be disseminated to the designated staff, volunteers, the Licensing Administrator, and when appropriate, to youth prior to implementation.

h) The facility shall establish a written quality assurance plan to assess treatment and program services to youth and an internal audit plan to determine compliance with facility policies and standards contained in this Part. These plans shall include the frequency, scope, content, and administrative reviews and responses required. Copies of all assessment and review documentation shall be available to the Department.

**Section 801.350 Reports and Correspondence**

The following reports or documents shall be forwarded to the Department as specified:

- a) Quarterly Reports  
The Chief Administrative Officer shall submit a written quarterly report to the Licensing Administrator in a Department-approved format.
- b) Fiscal Reports  
The Chief Administrator shall submit copies of the following information for the reporting period to the Licensing Administrator:
  - 1) The annual approved budget and any approved revision;
  - 2) All fiscal reports made to the governing body; and
  - 3) Financial audits.
- c) Daily Population Report  
A daily population report shall be provided to the Licensing Administrator on a Department-approved format.
- d) Annual Survey of Youth Needs  
An annual survey of youth needs shall be provided in accordance with Section 801.810(b) of this Subpart.
- e) Unusual Incident Reports
  - 1) Unusual incidents or situations that occur on the grounds of a secure care facility or that occur within the community involving an on-duty employee or an individual under secure care supervision shall be reported to the appropriate officials and completely documented by the witnessing employee or the employee who received notification of same prior to the end of his or her

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shift. The unusual incident report shall be in a Department-approved format and shall be maintained in a separate confidential administrative file.

2) The Chief Administrative Officer or designee shall report immediately, by telephone, to the Licensing Administrator any of the following types of incidents or situations that occur on the grounds of the facility or which involve an on-duty employee or youth on an assignment away from the facility:

- A) A youth's physical assault on another youth or an employee where serious injury results requiring medical treatment.
- B) An arrest of staff or youth.
- C) Use of force by an employee on youth including use of physical force to restrain.
- D) A youth's suicide attempt.
- E) Any serious illness or injury to youth which requires medical attention.
- F) Any escape, runaway, attempted escape or runaway, or unauthorized absence.
- G) Death of a youth.
- H) Major property loss or damage.
- I) Any serious fire or arson attempt.
- J) Any youth or employee action which the facility may refer for prosecution of criminal charges.
- K) Use of restraints for purposes other than escort or transport security.
- L) Any body cavity or strip search of youth.
- M) Any youth's diagnosed pregnancy.
- N) Other incidents or situations which in the opinion of the Chief Administrative Officer should be reported.
- O) Any other incidents or situations which may result in legal action or require an administrative response by the Department.

3) The Chief Administrative Officer of the secure care facility, after immediately informing the Licensing Administrator by telephone of the incident, shall ensure:

- A) An initial incident report is completed and transmitted to the Licensing Administrator by the next working day or within 72 hours after the incident if the incident occurs on the weekend. The initial report may be designated as the final report and shall be on a Department-approved format.
- B) A progress report or final follow-up report is transmitted to the Licensing Administrator within 15 days after the incident, if applicable. A progress report shall be transmitted to the Licensing Administrator as additional information is available, but not less frequently than every 90 days after the date of the last report until submission of the final report.

f) Legal Documents



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The Licensing Administrator shall promptly be sent copies of all documents and correspondence received related to any youth's pending legal matters including, but not limited to, custody disputes, actions to terminate parental rights, or other actions affecting the youth's placement, treatment, or secure care status. The facility shall confer with the Licensing Administrator related to all issues or concerns raised by these documents. Producing documents and reports as ordered by the courts or requested by attorneys or other persons shall be the responsibility of the facility unless otherwise advised.

**Section 801.360 Media Access**

a) The facility shall establish a written plan regarding requests for access to the facility by representatives of the media. Such requests shall be subject to the approval of both the Chief Administrative Officer and the Licensing Administrator. In determining whether to approve such requests, factors such as the following shall be considered:

- 1) Preservation of the youth's privacy;
  - 2) The potential effect of the interview on the youth; and
  - 3) Safety and security of the youth, any person, or the facility.
- b) Media requests which include interaction or interviews with or taping or photographs of youth also require releases signed by a parent or guardian.
- c) Approved access shall be limited to normal business hours, whenever possible.

**Section 801.370 Fiscal Management**

a) The facility shall maintain fiscal planning, budgeting, and accounting procedures and a system of regular review and audit. At a minimum, procedures shall include: internal controls; petty cash; bonding for all appropriate staff; signature control on checks; accrual accounting; acquisition and inventory procedures; the issuing or use of vouchers; and collections, safeguarding, and disbursement of monies.

b) An administrator for fiscal management and control shall be designated.

c) An operating budget for the facility shall be established. The annual budget shall be sufficient to meet the anticipated operational expenses of the facility based on generally accepted accounting principles.

d) There shall be an independent financial audit of the facility conducted at least annually. A copy of the audit shall be sent to the Licensing Administrator. The Department may also conduct financial audits of secure care facilities as required by the Director.

**Section 801.380 Insurance**

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The facility shall provide for insurance coverage in the following areas: worker's compensation, civil liability for employees, liability for vehicles, and facility employee blanket bond.

**Section 801.390 Funds and Property of Youth**

a) Personal funds of youth held by the facility shall be controlled by generally accepted accounting procedures and shall be deposited in an insured account. Youth shall receive receipts for all financial transactions.

b) Personal financial transactions or transfer of a youth's personal property between youth, youth and staff, and youth and volunteers shall be prohibited.

**Section 801.400 Personnel**

a) A personnel manual shall be established and made available to staff which includes at a minimum:

- 1) An explanation of the requirements for pre-employment background checks of applicants;
- 2) A facility organizational chart;
- 3) Staff development, including orientation and in-service training and professional continuing education;
- 4) Insurance and professional liability;
- 5) Standards of conduct for employees;
- 6) Drug-free and smoke-free workplace policies; and
- 7) Work rules.

b) Employees and volunteers shall be required to sign a statement acknowledging access to and knowledge of the personnel policies and his or her responsibility for complying with same.

c) Staffing of personnel shall be sufficient to ensure:

- 1) Continuous and effective supervision of youth is maintained at all times;
- 2) Youth have adequate access to staff, programs, and services; and
- 3) The safe and secure operation of the security systems and physical plant.

d) The facility shall comply with all federal, State, and local laws regarding equal employment opportunities.

e) The facility shall provide a mechanism to process requests for reasonable accommodation of the known physical or mental impairments of a qualified individual with a disability, either an applicant or an employee. The accommodation need not be granted if it would impose an undue hardship or a direct threat to the health or safety of the individual or others that cannot be reduced or eliminated by reasonable accommodation.

f) At a minimum, the Chief Administrative Officer shall:

- 1) Be qualified by training and experience to supervise staff and youth;

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- 2) Have demonstrated the skill to work with and manage youth of the type served in the program;
- 3) Have demonstrated the ability to work cooperatively with administration, staff, and persons external to the program; and
- 4) Normally be required to have either:
  - A) A Master's Degree in the field of Social Work; three years work experience with youth, two of which were in secure institutional or other residential group care programs; and an additional two years of administrative experience; or
  - B) A Master's Degree in the field of Humanities; three years work experience with youth, two of which were in secure institutional or other residential group care programs; and an additional two years of administrative experience; or
  - C) A Bachelor's Degree; five years work experience with children, three of which were in secure institutional or other residential group care programs; and an additional two years of administrative experience.
- g) All professionals shall be qualified in their field and licensed in compliance with statutory requirements.
- h) Youth direct care staff shall normally have the following qualifications:
  - 1) Be at least 21 years of age;
  - 2) Hold a high school diploma or GED certificate;
  - 3) Be in good physical and mental health;
  - 4) Have the capacity to relate constructively to authority;
  - 5) Demonstrated skill in working with and managing youth of the type served in the program;
  - 6) Demonstrated ability to work cooperatively with other staff and a variety of persons external to the program, including representatives of other facilities, agencies, and parents of the youth; and
  - 7) Have the capacity to serve as a role model for youth.
- i) Youth direct care supervisors shall normally have the following qualifications:
  - 1) Be at least 25 years of age;
  - 2) Have two years of college credits; and
  - 3) Have two years of full-time experience in a child care or correctional program.
- j) All temporary appointments are subject to the same standards as permanent employees.
- k) A criminal record check and Child Abuse and Neglect Tracking System (CANTS) review shall be conducted, prior to employment, appointment, or service, in accordance with Section 801.90 of this Part, on all applicants, volunteers, or other persons who will be in frequent direct contact with youth.
- l) Persons who will have direct contact with youth shall receive a physical examination prior to employment. The facility may establish a schedule for periodic re-examinations.

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- m) The facility shall establish a drug-free and smoke-free workplace policy which shall be reviewed at least annually. The policy shall include at a minimum:
  - 1) Pre-employment testing for the presence of illegal or controlled substances;
  - 2) Prohibit the use of illegal substances or misuse of controlled medications;
  - 3) Prohibit possession of any illegal substance except in the performance of official duties;
  - 4) Testing for substance abuse based on reasonable suspicion;
  - 5) Availability of treatment or counseling for substance abuse; and
  - 6) The penalties for violation of the policy.
- n) Employee performance shall be reviewed annually based on defined criteria and the results shall be discussed with the employee.
- o) The facility shall maintain a current, accurate, confidential personnel record on each employee and volunteer. Information obtained as part of a medical examination or inquiry regarding the medical history or condition of an applicant or employee shall be collected and maintained in a separate confidential medical record. Representatives of the Department shall have unrestricted access to employee personnel files for any purpose, including compliance auditing, investigations, and administrative supervision.
- p) Facility staff shall be provided with an identification card or badge (ID). The ID shall be worn at all times while on duty.
- q) Employees shall be prohibited from using their official positions to secure privileges for themselves or others and from engaging in activities that constitute a conflict of interest or violation of written standards of conduct.
- r) Employees, volunteers, consultants, and contractual personnel who work with youth shall be informed in writing about the facility's policies on confidentiality of information and agree in writing to abide by them.

**Section 801.410 Training and Staff Development**

- a) The facility shall establish a staff development and training program for all categories of personnel, including continuing education requirements. The facility's staff development and training program shall be planned and coordinated by a qualified supervisory employee. The facility training plan shall be reviewed and updated annually.
- b) The training plan shall include the method of documentation of training scheduled and completed including: the date; training topic; trainer; curriculum; hours of credit; and if continuing education credits or certificates were issued, any grades, scores, or other measures of completion.
- c) All new full-time employees shall receive at least three work days of orientation training before undertaking their assignments. This training shall include at a minimum: orientation to the purpose,



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goals, policies, and procedures of the facility; working conditions and regulations; employees' rights and responsibilities; and an overview of the juvenile justice system. It shall include instructions related to the employee's job duties and responsibilities.

- d) All administrative, managerial, and professional staff shall receive 40 hours of professional training in addition to the orientation training during their first year of employment and 40 hours of training each year thereafter. At a minimum, this training shall include: general management; juvenile law; labor relations; the juvenile justice system; treatment modalities; security policy and practice; relationships with other service agencies and professionals; and, where applicable, continuing education units.
- e) All direct youth care staff shall receive 120 hours of training during their first year of employment and an additional 40 hours of training each year thereafter. At a minimum, this training shall include: program and treatment modalities; crisis intervention procedures and techniques; security procedures, systems, and methods of supervision of youth; signs of suicide risks and suicide precautions; use-of-force regulations and methods; report writing; youth rules of conduct; disciplinary techniques; grievance procedures; rights and responsibilities of youth; fire escape and emergency procedures; safety procedures; key and tool control; interpersonal relations; social and cultural life styles of the youth population; communication skills; first aid and CPR; counseling techniques and behavioral interventions; and standards of conduct.
- f) All part-time staff, volunteers, and contractual personnel shall receive formal orientation appropriate to their assignments and additional training as needed.

**Section 801.420 Records of Youth**

- a) A master record file shall be established and maintained on a current basis for each youth.
- b) The master record file shall include, at a minimum, the following applicable information: the youth's name, identification number, age, sex, place of birth, and race or nationality; initial intake information form; documentation of the youth's delinquency adjudication; court transfer document; a copy of the summary of the determination made by the Interagency Review Committee regarding the youth in accordance with 89 Ill. Adm. Code 312; current photographs and fingerprints of the youth; case and social history; medical consent form; name, relationship, addresses and phone numbers of parents, guardians, and significant others; driver's license, social security, and Medicaid numbers; court records, case disposition, and transfer papers; individual treatment plan and program goals; signed release of information forms, where required; progress reports; program rules and disciplinary policy signed by the youth;

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disciplinary and grievance records; referrals to other agencies; final discharge or transfer report; visitors list; attorney of record; administrative case review documentation; annual reviews; and youth-related correspondence. Health and educational records are also considered part of the youth master record file, but may be maintained in separate locations.

- c) The contents of records shall be identified and separated in a Department-approved format.
- d) Master record file entries shall be dated and the source of the information and the author of the entry shall be identified.
- e) Master record files are confidential and shall be safeguarded from unauthorized and improper access, disclosure, and loss.
  - 1) Master records shall be marked "confidential."
  - 2) Access to computerized records shall be controlled and restricted on a need-to-know basis. Security measures shall be taken to ensure the integrity and confidentiality of any computer record.
- f) Whenever a youth is transferred to another facility, the youth's master record file, including individual medical and educational records, shall be transferred with the youth. The facility may retain a copy of some or all of the contents of the master record file for their records, as needed, for up to five years.
- g) The Department shall have access to master record files upon request. Disclosure of youth master record file material to others is subject to procedures outlined in 20 Ill. Adm. Code 107:Subpart D.

**Section 801.430 Juvenile Tracking System**

The facility shall provide information on a Department-approved format for input into the Department's electronic Juvenile Tracking System requirements.

**Section 801.440 Research**

- a) Youth participation in medical, pharmaceutical, or cosmetic experiments shall be prohibited. This does not preclude individual treatment of youth based on the need for a specific medical procedure that is generally not available.
- b) Prior to the conduct of any research, the research request shall be submitted to the Licensing Administrator for review and approval.
- c) Approved research shall be conducted in accordance with 20 Ill. Adm. Code 106.
- d) The facility may collaborate with juvenile justice and social service agencies in information gathering, exchange, and standardization subject to the approval of the Licensing Administrator.

**Section 801.450 Volunteers**

- a) The facility shall maintain a plan for the recruitment, screening, selection, training, and operating procedures for a volunteer program.

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The lines of authority, responsibility, and accountability for the facility's volunteer program shall be identified.

- b) Volunteers are subject to background investigations in accordance with Section 801.90 of this Part.
- c) A staff member shall be designated to coordinate and operate a volunteer program for the benefit of youth placed in the facility.
- d) An official registration and identification system shall be maintained for all volunteers.
- e) Volunteers may perform professional services only when they are certified or licensed to do so.
- f) Volunteers shall be required to agree in writing to abide by all facility policies and applicable employee standards, particularly those relating to security, confidentiality, ethics, and standards of conduct.

**Section 801.460 Capacity**

The facility shall operate at or below its licensed capacity. On an emergency basis the number of youth in placement may exceed the facility's licensed bed capacity with the prior written approval of the Licensing Administrator.

**Section 801.470 Physical Plant**

## a) General Requirements

- 1) The facility shall comply with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101) and with the regulations implementing Title I and Title II of that Act.
- 2) The facility shall conform to applicable building and fire safety codes. A fire alarm and automatic detection system shall be required as approved by the State Fire Marshal.
- 3) Compliance with fire safety codes shall be documented by the State Fire Marshal prior to occupancy by secure care youth and a copy of such documentation shall be maintained at the facility.
- 4) There shall be documentation by a qualified inspector that the interior finishing materials in youth living, activity, and program areas, exits, and places of public assembly are in accordance with building and fire codes.
- 5) Physical plant design shall facilitate personal contact and interaction between staff and youth and promote continuous, unobstructed supervision, communication, and control.
- 6) The facility design and its security features shall be approved by the Licensing Administrator prior to licensure.
- 7) The facility's potable water source and supply, whether owned and operated by the public water department or the facility, shall be approved by the independent outside source having jurisdiction and shall be in compliance with jurisdictional laws and regulations.
- 8) The facility shall have a waste disposal system which is in

accordance with local services approved by the appropriate regulatory agency.

- 9) Renovation or remodeling that will change the use or the structure of a facility shall be approved by the Licensing Administrator and the State Fire Marshal. Failure to do so may result in revocation of the license or termination of the permit or expedited permit.
- 10) When a new facility is to be constructed or an existing facility is to be expanded, a needs-evaluation study shall be completed and submitted for review and approval by the Department. No new construction or expansion shall be undertaken without prior written approval of the Deputy Director.
- b) Residential Housing
  - 1) The facility shall provide at least 35 square feet of unencumbered floor space for each occupant of a sleeping room.
  - 2) Sleeping rooms shall normally be designated for single occupancy.
    - A) Multiple occupancy or dormitory sleeping rooms may be permitted in existing buildings provided there is at least 35 square feet of floor space per occupant. Youth placed in multiple occupancy sleeping rooms shall be screened based on safety, security, and administrative concerns.
    - B) Single occupancy sleeping rooms shall be required for any new facility or expansion of an existing facility. The design shall include an electric locking system that can be remotely operated and an interaction intercom system.
  - 3) Each sleeping room shall have at a minimum:
    - A) A rigidly constructed bed bolted to the floor, with a flatted surface for the mattress. Mattresses shall have a fire-retardant filling without inner-springs with a flame-retardant, waterproofed, and staph-check type of cover.
    - B) Access to a washbasin with piped hot and cold water. A supply of disposable drinking cups shall be provided if the washbasin is not drinking-fountain equipped.
    - C) Access to a toilet. Access may be controlled by staff for toilets other than in a single occupancy room.
    - D) Illumination of at least 20 foot-candles. Light fixtures shall be secure and tamper-proof. There shall be a night light.
    - E) A secure door with a viewing window, lock, and security hinges.
      - i) The viewing window shall provide for unobstructed continuous visual observation of the room and its occupants.
      - ii) Doors, frames, hinges, and locks shall be of sufficient strength to safely contain the occupants and permit controlled entry and exit.
    - F) A storage space.



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- G) A desk securely attached to the wall.
- H) A secure access-protected exterior window and natural light in the room.
- I) Electrical outlets which are Ground Fault Interrupted (GFI).
- J) Intercom or other approved communication capabilities.
- 4) Sleeping rooms shall be located above basement level.
- 5) In coeducational facilities, separate sleeping rooms and wings shall be provided for male and female youth.
- 6) Rooms or housing units to be used by youth with disabilities shall provide for integration with the general population. The design and equipment provided are subject to the approval of the Department.

## c) Dayrooms

- 1) Dayrooms with space for varied youth activities shall be situated immediately adjacent to the sleeping areas, but shall be separated from them by a floor-to-ceiling wall.
- 2) Dayrooms shall be:
  - A) Of a sufficient size to provide a minimum of 35 square feet of unencumbered space per youth for the maximum number expected to use the dayroom at one time.
  - B) Contain fixtures and recreation equipment which are suitable for the security requirements of the group.
  - C) Provided with bulletin boards to facilitate access to daily posted information.

D) Designed for continuous supervision which may be accomplished through use of surveillance and monitoring equipment.

E) Secured with controlled access and egress. Windows shall be secured and protected from damage.

F) Furnished with sufficient seating and writing surfaces for each youth using the dayroom at one time. Furnishings shall be consistent with the security needs of the assigned youth and are subject to approval of the Department. Televisions, electronic games, table games, and other recreational features shall be under staff control with secure storage available.

3) If the facility houses male and female youth, activity space shall be provided for coeducational activities. The activity area shall have capabilities for continuous supervision and monitoring.

## d) Personal Hygiene

1) Youth shall be provided adequate access to toilets.

A) Access to toilets other than those in individual youth rooms shall be staff-controlled and locked when not occupied.

B) A minimum ratio of one toilet for every 12 youth in male facilities and one toilet for every eight youth in female facilities shall be provided. Urinals may be substituted for up to one-half of the toilets in male facilities.

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- C) All housing units with five or more youth shall have a minimum of two toilets.
- D) Toilet types shall be selected consistent with individual security requirements and are subject to approval by the Department.
- E) Staff-activated water shut-off valves shall be provided for all youth-accessible toilets.
- 2) Youth shall be provided adequate access to washbasins with hot and cold running water.
  - A) In the housing units, a minimum ratio of one washbasin for every 12 occupants shall be provided.
  - B) Hot water temperatures shall range from 100 to 112 degrees Fahrenheit.
- C) Staff-activated water shut-off valves shall be provided for all youth-accessible washbasins.
- 3) Youth shall have supervised and controlled access to showers with temperature-controlled hot and cold running water.
  - A) A minimum ratio of one shower shall be provided for every eight youth.
  - B) Hot water temperatures shall range from 100 to 112 degrees Fahrenheit.
  - C) All showers shall have staff-controlled access and be capable of surveillance by staff.

## e) Confinement Rooms

1) Where security confinement rooms are provided that are separate from the youth's sleeping room, they shall be equipped with secure plumbing fixtures, lighting, windows, and furniture.

2) Confinement rooms shall have the capability for continuous visual surveillance and communication. Rooms shall be equipped with interactive intercom or other approved communication capabilities and locking devices.

3) Room design shall be subject to the approval of the Department.

## f) Lighting

1) Lighting of at least 20 foot-candles shall be provided at desk level and in the personal grooming area.

2) Other lighting requirements for the facility shall be determined by the tasks to be performed.

3) An alternative means of lighting shall be available in the event of an emergency such as a power failure.

## g) Temperature Control and Ventilation

1) Heating, cooling, and ventilation systems shall be staff-controlled to ensure healthful and comfortable living and working conditions for youth and staff.

2) An alternative means of ventilation shall be available in the event of an emergency such as a power failure.

3) Ventilation systems shall be tamper-proof.

4) The operation of security windows and screens shall be staff-controlled.

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- 5) Temperatures in indoor living and work areas shall be appropriate to the summer and winter comfort zones: 68 degrees in winter and 75 degrees in summer.
- h) Program and Service Areas
  - 1) All program and service areas shall be capable of being secured with staff-controlled access and egress and shall be capable of continuous visual surveillance, communication, and supervision.
  - 2) The total indoor activity area, which may include gymnasium, multipurpose rooms, library, arts and crafts rooms, and all other leisure areas outside the living unit shall have an aggregate space equivalent to a minimum of 100 square feet per youth.
  - 3) Outdoor exercise areas for youth shall be provided.
    - A) The design of the outdoor recreational area shall address the proximity of the perimeter or containment to the existing structures and provide for emergency access.
    - B) Selection of recreational equipment and control of potential breaching aids shall be incorporated into the design.
  - 4) Adequate space shall be provided for a youth visiting room or area.
    - A) Space shall be provided to permit the screening and searching of both youth and visitors prior to entry and upon exit.
    - B) Space shall be provided for the proper storage of visitors' coats, handbags, and other personal items not allowed into the visiting area.
    - C) The design of the visiting area shall provide for staff-controlled access and egress and continuous visual surveillance and supervision.
    - D) Private interview space shall be provided for attorney visits or other interviews with youth which may require privacy as determined necessary by the Chief Administrative Officer.
  - 5) Classrooms shall be designed to conform with federal, State, and local educational requirements.
    - A) Classrooms shall have the capability for staff-controlled access and egress and provide for visual observation into the classroom from corridors.
    - B) Communication capability from a central control shall be provided.
  - 6) A dining room for group dining shall be provided.
    - A) There shall be at least 15 square feet of floor space per person expected to use the dining room or dining area at any one time.
    - B) The dining room shall have staff-controlled access and egress and be designed to provide continuous surveillance and supervision.
    - C) The dining room shall be capable of being secured from the food preparation area during meals.

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- 7) The food preparation area shall conform to local codes and public health requirements.
  - A) The area shall have adequate space for food preparation based on population, type of food preparation, and methods of meal service.
  - B) There shall be adequate storage and loading areas and garbage disposal facilities.
  - C) All storage areas shall be designed with doors that lock upon closure.
  - D) All storage doors shall have a view panel for visual observation into the storage areas.
  - E) The food preparation area shall be capable of being secured from the dining room during meals.
  - 8) Adequate space shall be provided for janitorial closets accessible to the living and activity areas.
    - A) Janitorial closets shall be equipped with a sink, cleaning implements, and a system of ventilation.
    - B) All janitorial closets shall have a secure door which locks upon closing and be equipped with a viewing panel to permit visual observation into the closet.
  - i) Storage Areas
    - 1) Adequate space shall be provided to receive inventory and to store and issue clothing, bedding, cleaning supplies, and other items required for daily operations. Such areas shall be secured by a door which locks upon closing and shall have a viewing panel to permit visual observation into the storage room.
    - 2) Space shall be provided for the safe and secure receipt, processing, inventory, and storage of personal property of youth.
    - 3) Separate and adequate space shall be provided for electrical and mechanical equipment. The access doors or panels to these areas shall lock when closed.
  - j) Administrative and Staff Areas
    - Adequate space shall be provided for administrative, security, professional, and clerical staff. This shall include a conference room, storage room for records, public lobby, and toilet facilities. All administrative areas shall be capable of being secured by staff.
    - Areas where youth routinely have access shall have viewing panels or windows for visual observation from hallways, corridors, or other office areas into the work space.
  - k) Control Room
    - Space shall be provided for a secure control room with capabilities for monitoring and coordinating the facility's security, safety, and communications systems on a 24-hour basis.
    - 1) Perimeter
      - 1) The design of the facility perimeter shall provide the capability for containment, emergency vehicle access, and control of access and egress.
      - 2) The perimeter design, surveillance and detection systems,



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perimeter alarms, escape barriers, barbed tape obstacle wire, and other design features shall be subject to approval by the Department.

**Section 801.480 Accessibility to Individuals with Disabilities**

Reasonable accommodations shall be made to ensure that all public access areas of the facility are accessible to and usable by staff and visitors with disabilities in compliance with federal, State, and local regulations and laws.

**Section 801.490 Supervision of Youth**

- a) Primary supervision of youth shall be provided by trained youth direct care staff who shall work under the supervision of a youth direct care supervisor.
- b) Youth direct care supervisors shall be primarily responsible for the direct care of youth and supervision of youth direct care staff.
- c) There shall be a shift supervisor on each shift. A youth direct care supervisor or the Chief Administrative Officer may serve as the shift supervisor.
- d) Youth direct care staff shall be located at all times in or immediately adjacent to the youth living, activity, and program areas to permit continuous supervision and monitoring of youth activity.
- e) Written shift assignments or post descriptions that state the duties and responsibilities for each assigned youth direct care position in the facility shall be maintained. These shall be reviewed at least annually and updated as needed.
- f) Youth direct care staff shall be required to read the appropriate shift assignment each time they assume a new position and document their review.

**Section 801.500 Security Procedures**

- a) The facility shall maintain a security manual which, at a minimum, shall contain policies and procedures related to: counts, youth movement, transportation, contraband control, facility inspection, youth and visitor searches, security post descriptions, escape and emergency plans, use of force, appropriate use of restraints, control of caustics, flammable, and toxic materials, facility program schedule, classification policies, discipline, confinement, key and tool control, mail, visits, use and storage of security equipment, crisis instructions and suicide prevention, investigations, reporting of unusual incidents, and relationship to local law enforcement.
- b) The facility control room shall serve as the facility command and communication center and may serve as the point of issue for facility keys and security equipment.
  - 1) The facility shall have a communication system between the control room and all youth living, activity, and program areas.

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This may include an intercom or closed circuit T.V. system.

- 2) The control room may also serve as the point of control of the fire alarm system, staff and visitor sign-ins, and mail.

- c) The facility's perimeter shall be controlled by appropriate means to ensure youth remain within the facility perimeter and to prevent access by the general public without proper authorization.
- d) When both males and females are housed in the facility, at least one male and one female staff member shall be on duty at all times.
- e) The facility shall prohibit any youth or group of youth from having control or authority over other youth.
- f) Staff shall control youth access to all areas of the facility.
- g) Access to supplies shall be based on operational needs.
- h) The shift supervisor shall conduct a security inspection each shift of all areas within the facility occupied by youth and submit a written report to the Chief Administrative Officer.
  - 1) All other areas are to be inspected by designated staff each week.
  - 2) The inspection formats are to be approved by the Licensing Administrator.
- i) Unusual incidents shall be reported in accordance with Section 801.350. Persons injured in an incident shall be provided with immediate access to medical services.
- j) Firearms shall be prohibited within the facility, except during an emergency where the weapon is under the control of law enforcement officers.
- k) The facility shall establish a bound confinement and sanctions log to record in sequential chronological order all actions which result in the placement of a youth on room restriction, time-out restriction to his or her room for purposes of regaining control, placement in confinement pursuant to a disciplinary action, placement on suicide precautions, or use of therapeutic restraints. The log shall include the date, name, youth identification number, type of sanction or action, time action was imposed, time action was withdrawn, the reason, and authorizing staff name. All entries shall be signed and dated. The log shall serve as the central register for all correctional sanctions imposed or actions taken to address mental health issues, suicidal behavior, or behavior modification plans. Logs shall be retained for at least two years.
- l) Routine information, emergency situations, and unusual incidents that occur on each shift shall be recorded in a permanent bound shift log.
  - 1) All log entries shall be dated and signed by the person responsible for the entry.
  - 2) The log shall be reviewed and the review acknowledged by each succeeding shift supervisor.
  - 3) Shift logs shall be retained for at least two years and shall be available for inspection by the Department.
- m) A bound writ and court order log shall be maintained to record in chronological order by youth name, number, and date received the

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receipt of all writs, court orders, detainers, or other legal notices related to a youth's custody status, placement, guardianship, legal affairs, or continuing court cases or criminal prosecutions. The log shall identify the source of the document, type, nature of the order or notices, and date of appearance or date by which information or other action is due. The log shall be signed by the Chief Administrative Officer. Logs shall be retained for at least two years.

**Section 801.510 Use of Force**

- a) The facility shall establish a written plan regarding guidelines for the use of force and restraints. The plan shall identify the method of control, identify persons authorized to implement the methods, and establish the training required for these persons.
- b) Corporal punishment shall be prohibited.
- c) Force shall be employed as a last resort or when other means of behavioral management are unavailable or inadequate and only to the degree reasonably necessary to regain control of the situation.
- d) Use of force shall be terminated as soon as force is no longer necessary.
- e) Medical review and care, if necessary, shall be provided following any use of force which results in bodily injury.
- f) Force may be used under the following circumstances:
  - 1) To compel compliance with a lawful order given by an employee to ensure the safety and security of the facility.
  - 2) To protect oneself or any other person from physical assaults, injury, or death.
  - 3) To prevent an escape from the facility or from the custody of employees while in the community.
  - 4) To protect facility property or the property of others from serious damage or destruction.
  - 5) To prevent or suppress a riot, revolt, insurrection, or other serious disturbance.
- g) When any force is used, an unusual incident report shall be filed pursuant to Section 801.350 of this Subpart.
- h) Preliminary review of all instances of use of force shall be made by the Chief Administrative Officer and a written report of the circumstances and administrative response shall be submitted to the Licensing Administrator within 72 hours after the incident.

**Section 801.520 Youth Counts**

- a) The facility shall develop a system for physically counting each youth during each shift. The system shall include strict accountability for all youth assigned to the facility, including all youth present at the facility, all youth on authorized absence, all youth released for any reason, and all youth discharged from the facility during each shift.

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- b) A formal record of these counts shall be made and signed by the shift supervisor prior to the end of his or her shift.
- c) Counts shall be reconciled daily with the official record of all admissions to and discharges from the facility.

**Section 801.530 Youth Movement**

- a) Staff shall regulate and supervise all youth movement.
- b) The facility shall establish a written plan which governs the transportation of youth outside the secure facility and from one jurisdiction to another.
  - 1) It is the responsibility of the facility to provide secure transport of youth including but not limited to transport ordered pursuant to valid court writs or orders and to ensure vehicles operated comply with applicable motor vehicle laws, including insurance and inspection requirements.
  - 2) Staff must have a valid Illinois driver's licenses and operate vehicles in accordance with applicable motor vehicle laws.
  - 3) The Department must approve any security modifications to vehicles which include addition of security screens, plexiglass partitions or window borders, or other modifications.

**Section 801.540 Security Restraints**

The facility shall establish a policy for the issuance and control of security restraints and security devices.

- a) An inventory of all security equipment and restraint equipment shall be maintained.
- b) Broken and dysfunctional equipment shall be withdrawn, repaired, replaced, or disposed of and the inventory shall be updated.
- c) The facility shall obtain the Department's approval for the type and quantities of restraints to be utilized.
- d) The Chief Administrative Officer of the facility shall identify the circumstances under which security restraints may be utilized, by whom, and by whose authority.
- e) Training requirements for staff regarding authorized use of restraints shall be specified.
- f) Restraints such as handcuffs, shackles, and transportation belts shall never be applied as punishment and shall be applied only with the approval of the Chief Administrative Officer.
- g) Only security equipment approved by the Department may be issued to authorized facility staff who have met the required training requirements.

**Section 801.550 Control of Contraband**

- a) The facility shall establish a procedure for the scheduled and unscheduled search of the facility and youth to control contraband and



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provide for its proper disposition.

- b) Policies regarding such searches shall be made available to staff and youth.
- c) Contraband shall be defined as possession by a youth of any of the following:
  - 1) Alcohol;
  - 2) Cannabis or controlled substances;
  - 3) Weapons including firearms, knives, cudgels, broken glass, or similar cutting devices or clubs;
  - 4) Flammables, explosives, matches or lighters;
  - 5) Ammunition;
  - 6) Chemical agents or electric stun-guns;
  - 7) Tools, keys, chains, or ropes;
  - 8) Gum, putty, or caulk;
  - 9) Any smoking or tobacco materials in the possession of youth; or
  - 10) Any other item identified by the Chief Administrative Officer proscribed due to safety or security reasons.

**Section 801.560 Searches**

- a) Youth and their clothing, personal property, and living areas shall be subject to search at any time.
- b) Manual or intrusive inspection of body cavities shall only be conducted when reasonable suspicion exists that contraband may be hidden in a body cavity and when authorized by the facility Chief Administrative Officer and approved by the Licensing Administrator. Such searches shall be conducted in private by health care personnel. These body searches shall be documented on an unusual incident report.
- c) Strip searches and visual inspections of the youth's body may be conducted based on a reasonable belief that the youth is carrying contraband or other prohibited material upon approval by the facility Chief Administrative Officer. The inspection shall be conducted in private by a trained staff member of the same sex as the youth and shall be documented on an unusual incident report.
- d) Pat down searches shall be performed prior to placement in or release from any confinement unit and prior to or upon return from a court trip, medical trip, visit, or work detail.
- e) The facility shall post or give prior notice to visitors that visitors and their possessions shall be subject to search upon entry to the facility.

**Section 801.570 Key Control**

The facility shall maintain a system to control keys and their use which provides for accounting of the location and possessor of each key.

- a) All keys shall be issued from a central control area.
- b) A log shall be used to record the number of each key or ring issued, and the name of the receiving staff. A master inventory showing the

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location of the lock, the number of keys to that lock, and the names of all employees assigned to the key shall be maintained.

- c) Facility keys shall be stored so that their presence or absence can be easily determined.
- d) Facility keys that are not retained on an assigned post shall be returned to the control center by the end of the work shift. Broken keys and locks shall be immediately reported and replaced as soon as possible.
- e) All key rings shall be numbered and the facility shall maintain at least one duplicate key for each lock.
- f) An emergency set of keys shall be securely maintained in the control center. Fire and emergency keys shall be color-coded and marked for identification by touch.
- g) Youth shall be prohibited from possessing keys.
- h) Facility policy may control staff possession of personal keys while on duty.

**Section 801.580 Tools and Equipment**

- a) The facility shall develop a written plan governing the control, inventory, storage, and use of tools and culinary, medical, and security equipment. The policy shall limit hazardous tool access to staff only.
- b) The level of authority required for access and use of tools and equipment shall be specified.

**Section 801.590 Vehicles**

The facility shall establish procedures governing the use and security of facility vehicles and the use of personal vehicles for official purposes. Provisions for insurance coverage shall be included.

**Section 801.600 Safety and Emergency Procedures**

- a) Fire Safety
  - 1) The facility shall establish a written fire prevention plan, including at a minimum:
    - A) Provision for an adequate fire protection service;
    - B) A system of fire extinguisher inspection and testing of equipment at least quarterly or at intervals approved by the State Fire Marshal;
    - C) An annual inspection by the State Fire Marshal;
    - D) Availability of fire protection equipment at appropriate locations throughout the facility; and
    - E) Monthly inspection by the on-site fire plan coordinator.
  - 2) A comprehensive and thorough inspection of the facility shall be conducted annually or on a schedule approved by the State Fire Marshal to determine compliance with safety and fire prevention

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standards. A weekly fire and safety inspection of the facility shall be made by a trained facility staff member.

- 3) Facilities shall be equipped with noncombustible receptacles at all entrances for extinguishing smoking materials and shall have separate containers for other combustible refuse at accessible locations throughout living quarters in the facility. Special containers shall be provided for flammable liquids and for rags used with flammable liquids that meet Underwriters Laboratory specifications. All receptacles and containers shall be emptied and cleaned daily.

- 4) The fire plan shall be reviewed annually and updated as needed.

- b) Flammable, Toxic, and Caustic Materials  
The use and storage of all flammable, toxic, and caustic materials shall be controlled. These materials must be under direct staff control and be properly stored and secured. Warning labels to prevent use by children must be strictly followed.

- c) Emergency Power and Communications

- 1) The facility shall have access to an alternative power source to maintain essential services in an emergency. The facility shall have emergency lights in all living, activity, and program areas, housing units, and corridors in accordance with applicable fire and building codes.

- 2) The facility shall provide for a communications system within the facility and between the facility and the community in the event of urgent, special, or unusual incidents or emergency situations.

- 3) The facility shall establish a written evacuation plan prepared in the event of a fire or a major emergency that shall be approved by the State Fire Marshal. The plan shall be reviewed annually and updated as needed. Revised plans shall be reissued and provided to the State Fire Marshal and to the local fire safety authority. The plan shall include the following:

- A) Location of buildings and room floor plans;
  - B) Use of exit signs and directional arrows for traffic flow;
  - C) Location of publicly posted evacuation plans; and
  - D) Monthly drills in all occupied locations of the facility.
- Where evacuation of dangerous youth would be a breach of security or pose a safety concern, staff drills may be conducted instead of evacuating such youth.

- d) Emergency Plans

- 1) All facility personnel shall be trained in the implementation of written emergency plans. Work stoppage and riot or disturbance plans shall be communicated only to appropriate supervisory staff or other personnel directly involved in the implementation of those plans.

- 2) The facility shall provide the means for the immediate release of youth from locked areas in case of an emergency and provide for a backup system.

- e) Runaways

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The facility shall establish a written plan regarding runaways. The plan shall insure a timely coordinated response to the youth's runaway situation consistent with public safety. The plan shall be reviewed at least annually and updated as needed.

**Section 801.610 Criminal Violations**

Where a youth allegedly commits an act in violation of criminal law, the case shall be referred to appropriate law enforcement officials for consideration of prosecution. The Licensing Administrator shall be advised of the unusual incident immediately in accordance with Section 801.350 of this Subpart.

**Section 801.620 Warrants**

- a) The facility shall immediately advise the Licensing Administrator of all circumstances in which there exists a need to direct law enforcement to apprehend or to hold and detain secure care youth in detention facilities.

- b) The Licensing Administrator shall cause warrants for apprehension and detention to be issued including hold orders to local detention facilities whenever secure care youth who are in the custody of the Department runaway from placements, are court ordered into alternative detention or custody, or require placement in local detention facilities pending administrative or legal action.

**Section 801.630 Youth Rights**

- a) Access to Courts  
Youth shall have reasonable access to the courts pursuant to federal or State law.

- b) Access to Counsel

Youth shall be permitted reasonable access to counsel. The facility shall assist youth in making confidential contact with attorneys and their authorized representatives, as needed. Such contact shall include, but not be limited to, telephone communications, uncensored correspondence, and visits.

- c) Access to Programs and Services

- 1) Youth shall not be subjected to discrimination based on race, religion, national origin, sex, or disability.
- 2) Programs and services shall be accessible to youth with disabilities who are confined in the facility.

**Section 801.640 Discipline of Youth**

- a) The facility shall develop a multi-level behavioral management and disciplinary plan which focuses on preventing negative behavior through intervention techniques. The process shall be individualized in its approach with each youth in teaching pro-social values and



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behavior.

- b) The plan shall include rules of behavior for youth in simple, understandable language. The rules shall differentiate between major and minor infractions.
- c) The plan shall:

- 1) Detail the purpose, scope, and limits of the approved behavioral management techniques;
  - 2) Describe the personnel authorized to administer the behavioral management techniques and the methods and procedures by which the techniques are to be administered;
  - 3) Outline the disciplinary penalties for violation of the rules of behavior and the disciplinary procedure by which such penalties may be imposed;
  - 4) Identify a range of corrective actions available for minor infractions, including counseling efforts and the use of room restrictions for the purpose of behavioral control, and identify those persons with authority to impose room restrictions; and
  - 5) Provide that all persons using the techniques are trained in their use and are supervised.
- d) The facility shall not use any behavioral management techniques not contained in the plan as approved by the Department.
- e) The rules of behavior and disciplinary penalties shall be made available to each youth.
- f) Discipline shall be suited to the infraction and fairly applied. Disciplinary restrictions on diet, medical or sanitary facilities, clothing, bedding, mail, contact with attorneys or religious representatives, attendance at religious activities, and reductions in the frequency of use of toilets, washbowls, and showers shall be prohibited.
- g) Disciplinary restrictions on other privileges shall be related as closely as practicable to abuse of such privileges.
- h) A written report of any behavior which may result in disciplinary action shall be made by the employee who observes the behavior, discovers evidence of a rule infraction, or receives information of such behavior from a reliable source. The report shall be completed on a Department-approved format.

- i) The report shall include the following to the extent known or available:

- 1) Name of the youth;
  - 2) Time, date, and place of the rule infraction;
  - 3) The infraction alleged to have been committed;
  - 4) A written statement of the behavior observed;
  - 5) The names of witnesses;
  - 6) A statement of any immediate action taken; and
  - 7) Signature of reporting person and the date and time the report was made.
- j) The report and action requested shall be reviewed by the facility shift supervisor if the action taken results in loss of privileges or

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room restrictions.

- k) The report must be filed with the Chief Administrative Officer within 72 hours after the occurrence of the infraction or the discovery of it and shall be placed in the youth's file. A copy of the report shall be forwarded immediately to the Licensing Administrator in all cases of major violation which result in confinement.

- l) If the Chief Administrative Officer determines that the minor corrective action was inappropriate or ineffective or that the youth has not regained control, the youth may be confined for a period up to 24 hours. When determined necessary, such confinement may be renewed in writing by the Chief Administrative Officer for up to an additional 24 hours.

- m) If a youth is suspected of violating a major rule, an investigation may be conducted. A youth may be confined in his or her room or in a designated area by the Chief Administrative Officer pending resolution of the investigation or pending a disciplinary hearing. The decision to place in such confinement may depend on: the aggressiveness of the youth; the threat to safety and security; and the seriousness of the rule infraction. Any major violations which may constitute a criminal offense must be reported immediately to the Licensing Administrator as an unusual incident.

- n) No youth may be isolated for disciplinary reasons for more than seven consecutive days nor more than 15 days in any thirty-day period except in cases of violence or attempted violence committed against another person or property when an additional period of isolation for disciplinary reasons is approved by the Chief Administrative Officer.
- o) In disciplinary cases which may involve the imposition of disciplinary confinement or a change in education or other programming of more than seven days duration, the Chief Administrative Officer shall establish disciplinary procedures which include at a minimum:

- 1) An impartial decision-maker shall be appointed. The person or persons who initiate a disciplinary charge against a youth shall not decide the charge. To the extent possible, a person representing the counseling staff of the facility shall participate in deciding the disciplinary case.
- 2) Any youth charged with a violation of rules of behavior shall be given notice of the charges including a statement of the misconduct alleged and of the rules this conduct is alleged to have violated.
- 3) Any youth charged with a violation of rules is entitled to a hearing on that charge at which time he or she shall have an opportunity to appear before and address the person or persons deciding the charge.
- 4) The persons deciding the charge may also summon to testify any witnesses or other persons with relevant knowledge of the incident. The person charged may be permitted to question any person so summoned. The youth may request that certain witnesses be interviewed prior to the hearing.

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- 5) The youth may only be found guilty if there exists evidence that the rule violation occurred.
  - 6) If the charge is sustained by the Chief Administrative Officer, the youth charged is entitled to a written statement of the decision by the persons deciding the charge which shall include the basis for the decision and the disciplinary action, if any, to be imposed.
  - 7) A change in education shall not be used for disciplinary purposes except as approved by the Chief Administrative Officer and the Licensing Administrator.
- p) Disciplinary action imposed under this Section may be appealed under the grievance procedure established in Section 801.660 of this Subpart.

**Section 801.650 Confinement**

- a) Confinement shall not be used unless one of the following conditions exists:

- 1) The youth's behavior poses a serious threat to the physical safety of his or herself or others or to the safety or security of the facility.
  - 2) The youth has violated or is under investigation for violating the facility's rules of behavior for which the penalty of confinement may be imposed; or
  - 3) The youth is waiting for transfer to a more secure facility.
- b) A visual check of all youth in disciplinary confinement shall be made no less than every fifteen minutes and shall be documented.
- c) A youth confined in his or her room or another designated area for disciplinary reasons shall be interviewed during waking hours by the facility counselor, shift supervisor, or other staff approved by the Chief Administrative Officer at least every 4 hours.
- d) Youth in confinement shall be provided time outside of his or her assigned room for showers, and at least four hours outside of the confinement room for every 24 hours in confinement. Family, attorney, and religious visits shall not be restricted unless the Chief Administrative Officer determines that the youth poses a threat to the physical safety of him or herself or others or to the security of the facility. Time outside the confinement room may be restricted by the Chief Administrative Officer, with permission of the Licensing Administrator, when release of youth poses a threat to safety of youth or others, or to the security of facility.

**Section 801.660 Grievance Procedure**

- a) Youth shall attempt to resolve problems or complaints informally by discussing them with facility staff.
- b) If the youth is unable to resolve the complaint informally or if the complaint concerns the imposition of discipline, the youth shall be

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provided with access to a grievance procedure established by the facility.

- 1) A system to provide information to the youth shall be provided with the grievance procedure.
- 2) A timely review of the grievance shall be conducted by a person or persons employed by the facility and appointed by the Chief Administrative Officer other than those directly responsible for the conditions or actions complained of in the grievance.

A) This review shall take place within five working days after receipt of the grievance.

B) The findings and recommendations shall be submitted to the Chief Administrative Officer within ten working days after initial receipt of the grievance. The Chief Administrative Officer shall advise youth of the decision in writing within fifteen working days after initial receipt of the grievance.

C) Youth may appeal to the Deputy Director. The Deputy Director shall provide for a timely review and decision in writing to the youth.

3) Assistance by impartial facility staff in drafting the grievance shall be provided when requested and when it has been determined that the youth is unable to draft the grievance without assistance.

c) The grievance procedure shall not be a barrier to youth processing complaints directly to the Deputy Director.

d) Disciplinary action or reprisals may not be taken against a youth for using the grievance procedure.

e) Copies of all grievances and responses shall be maintained in the youth's file.

**Section 801.670 Food Service**

a) The facility shall:

- 1) Employ a staff member who is trained and experienced in food service management to supervise food service operations; or
- 2) Contract with a provider who meets all conditions set forth for food service management and compliance with applicable meal scheduling hours and regulations.

b) Accurate records shall be maintained of all meals served, including menus served for the past 12-month period.

c) The facility's system of dietary allowance shall be reviewed and documented at least annually by a dietitian to ensure compliance with nationally recommended food allowance appropriate for the age group of secure care youth to be housed in the facility.

d) The food service staff shall develop advance planned menus and shall substantially follow the required meal schedule. In the planning and preparation of all meals, food flavor, texture, temperature, appearance, and palatability shall be taken into consideration.

1) Menus shall be posted one week in advance.

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- 2) The food service plan shall provide for a single menu for both staff and youth.
- e) Special diets as prescribed by appropriate medical or dental personnel shall be provided.
- f) The use of or denial of food as a disciplinary measure shall be prohibited.
- g) Special diets for youth whose religious beliefs require the adherence to religious dietary laws shall be provided. Alternative entrees to pork or pork products or meat substitutes shall be made available.
- h) Food services shall comply with the applicable sanitation and health codes as promulgated by federal, State, and local authorities.
- i) Weekly inspections shall be conducted of all food service areas, including dining and food preparation areas, by the Chief Administrative Officer or designee. The inspections shall include: equipment; sanitation records; and temperature-controlled storage facilities for all foods. The weekly inspections shall be documented.
- j) Daily checks of refrigerator, freezer, and dishwasher temperatures shall be conducted by administrative, medical, or dietary personnel for compliance with applicable public health standards. The daily checks shall be documented. Food shall be maintained at the following temperatures.
  - 1) Dietary shelf goods shall be maintained at 45 to 80 degrees Fahrenheit;
  - 2) Refrigerated foods shall be maintained at 35 to 40 degrees Fahrenheit; and
  - 3) Frozen foods shall be maintained at 0 degrees Fahrenheit or below.
- k) Staff shall supervise youth during meals and ensure proper portion control and sanitation.
  - 1) Youth shall be provided group dining except due to safety or security considerations. The food preparation area shall be secured from the dining area during meals.
  - 2) Youth shall not be permitted to take food back to their rooms or to give away, trade, or exchange portions.
  - 3) Second helpings may be provided.
  - 4) The Chief Administrative Officer shall be advised of youth who are not eating.
  - 5) Careful accounting for eating utensils shall be made. Hazardous kitchen tools, including knives, shall be accounted for and secured before youth are admitted to the dining room prior to each meal and at the end of the day.
- l) At least three nutritious meals, of which two are hot meals, shall be provided at regular meal times during each 24-hour period, with no more than 14 hours elapsing between the evening meal and breakfast. A nutritious evening snack shall be provided to each youth daily. Provided basic nutritional goals are met, variations may be allowed based on weekend and holiday food service demands.
- m) Health protection shall be provided for all youth and staff in the

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facility and youth and other persons working in food service.

- 1) As required by State and local laws or regulations applicable to food service employees, all personnel and youth involved in the preparation of food shall receive a pre-assignment medical examination and periodic re-examinations to ensure freedom from diarrhea, skin infections, and other illnesses transmissible by food or utensils. All examinations shall be conducted in accordance with public health requirements and shall be documented in appropriate employee medical and youth master record files.
- 2) When the facility's food services are provided by an outside agency or individual, the facility shall have written verification that the outside provider complies with State and local regulations regarding food service standards.
- 3) All food handlers shall be trained and instructed to wash their hands upon reporting to duty, after using toilet facilities, and before touching food.
- 4) Youth and other persons working in food service shall be monitored each day for health and cleanliness by the director of food services or his or her designee.
- 5) Youth working in food service areas shall be under continuous supervision by staff.

**Section 801.680 Safety and Sanitation**

- a) Weekly documented safety and sanitation inspections of all facility areas shall be conducted to ensure compliance with applicable federal, State, and local sanitation and health codes and to control vermin and pests.
- b) There shall be a comprehensive written housekeeping plan and cleaning schedule for the facility. Youth may be assigned housekeeping tasks and provided with training and supervision necessary for skill development and safety. Cleaning supplies, caustics, and toxins shall be controlled and dispensed by staff and items marked with warning labels shall be kept out of the hands of youth.

**Section 801.690 Bedding, Linen, and Clothing**

- a) The stored supply of clothing, linens, and bedding shall exceed that required for the facility's maximum declared population capacity. There shall be accountability for clothing and bedding issued to youth.
- b) Each youth shall be issued suitable clean bedding and linen, including two sheets, a pillow and pillowcase, one mattress, and sufficient blankets to provide comfort under existing temperatures. At least weekly there shall be a linen exchange or replacement of soiled items.
- c) Youth shall be provided the opportunity to have seven complete sets of clean clothing per week.



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- d) The facility shall provide for the thorough cleaning and, when necessary, disinfecting of youth personal clothing before storage or before allowing the youth to keep and wear personal clothing.

**Section 801.700 Personal Hygiene**

- a) The facility shall have a shower schedule that allows for supervised daily showers and youth access to showers after strenuous exercise. Youth shall shower individually.
- b) Articles that are necessary for maintaining proper personal hygiene shall be provided to all youth.
- c) Hair care services by licensed barbers or beauticians shall be available to youth every four weeks.

**Section 801.710 Health Care Services**

- a) The facility shall have a designated health authority who shall be responsible for the development and implementation of a plan for youth medical and mental health services, including emergency services, and youth health care pursuant to a written agreement, contract, or job description. The health authority may be a physician, health administrator, or health agency. When the authority is other than a physician, final medical judgments rest with a single designated physician. The health authority shall meet at least quarterly with the Chief Administrative Officer on the development of facility health services and planning.
- b) The plan shall include procedures which govern the relationship and the activities of private physicians working with youth in the facility.
- c) Appropriate State and federal licensure, certification, or registration requirements and restrictions apply to all personnel who provide health care services to youth. The duties and responsibilities of such personnel shall be governed by written job descriptions approved by the health authority. Verification of current credentials and job descriptions shall be maintained on file in the facility.
- d) The youth's parents or guardian and the Licensing Administrator shall be notified in case of serious illness or injury, surgery, or death.
- e) The facility shall have a written agreement between the facility or facility's medical provider and a nearby urgent care center or hospital for all medical services that cannot be provided within the facility, including emergency services. When a youth is in need of facility, including emergency services, he or she shall be accompanied by a urgent care or hospital services, he or she shall be accompanied by a staff member who stays with the youth. Notification shall be made to the Licensing Administrator and to the parent or guardian at the time of any admission or as soon as possible thereafter. Continuous same sex security coverage for the admitted youth shall be provided consistent with the youth's medical condition.

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- f) If medical services are delivered in the facility or through contract services, adequate space, equipment, supplies, materials, and training as determined by the responsible physician shall be provided for the performance of primary health care delivery and responses to medical emergencies.
- g) Health care policies shall be communicated orally and in writing to each youth on arrival at the facility and shall be in a language clearly understood by each youth.
- h) Youth medical complaints shall be monitored and responded to daily by medically trained personnel who document the complaint and the action taken.
- i) Treatment by health care personnel other than a physician, dentist, psychologist, optometrist, podiatrist, or other independent provider shall be performed pursuant to written standing or direct orders by personnel authorized by law to give such orders. Nurse practitioners and physician's assistants may practice within the limits of applicable laws and regulations.
- j) A history of each youth's immunizations shall be obtained when the health appraisal data are collected. Immunizations shall be updated as required within legal constraints.
- k) In facilities housing females, obstetrical, gynecological, family planning, and health education services shall be provided as needed.
- l) Arrangements shall be made with health care specialists in advance of need in order to ensure timely and direct access to specialists.
- m) When facilities do not have full-time, qualified, health-trained personnel, a health-trained staff member shall coordinate the health delivery services in the facility under the joint supervision of the health authority and the Chief Administrative Officer.
- n) Questions regarding the appropriateness of medical treatment shall be referred through the Licensing Administrator to the Department's Medical Director.
- o) The plan shall address the management of serious and communicable diseases. These policies and procedures shall be updated as new information becomes available. The plan shall include: an ongoing educational program for staff and youth; control, treatment, and prevention strategies that may include screening and testing, special supervision, or special housing arrangements, as appropriate; pre-release planning; notification to the Deputy Director; and protection of individual confidentiality pursuant to federal, State, and local laws and regulations.
- p) Any employee or youth suspected of having a communicable disease shall have a medical examination.
- q) The plan shall provide for the emergency detoxification of youth from alcohol, opiates, barbiturates, and similar drugs to be performed under medical supervision.
- r) The plan shall provide for the clinical management of chemically dependent youth.
- s) All informed consent standards in the jurisdiction are observed and

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documented for medical care. The informed consent of parent, guardian, or legal custodian applies when required by law. When health care is rendered against the patient's will, it shall be in accordance with federal and State laws and Department policy.

**Section 801.720 Mental Health Services**

a) The health authority in the establishment of the plan for medical and mental health services shall provide for mental health services to be administered to youth as clinically indicated and shall describe the provisions for the use of therapeutic restraints, suicide precautions, and psychotropic medication as specified in this Section.

b) The services described in the plan shall include, but not be limited to, those provided by qualified mental health professionals. Crisis care shall be provided for youth experiencing emotional problems, evidencing suicidal behavior, or who are in need of immediate clinical evaluation or services.

c) The plan shall describe the criteria which must be present prior to utilization of therapeutic restraints. The plan shall include at a minimum the following provisions:

1) If after personally observing and examining the youth, a mental health professional determines that a youth is acutely suicidal or poses an immediate threat of serious physical harm to himself or others which may not adequately respond to less restrictive treatment modalities, a psychiatrist or physician may issue an order for the appropriate application of therapeutic restraints for a set period of time consistent with the approved plan. The order shall be documented by the psychiatrist or physician and shall include:

A) The events precipitating the need for restraints and the purpose for using restraints;

B) The type of restraints to be utilized; and

C) The length of time the restraints are to be used and the clinical reasons for this decision.

2) Therapeutic restraints may consist of complete body restraints, or restraints of one or more limbs. Utilization of mechanical security restraints in lieu of therapeutic restraints shall be prohibited.

3) Therapeutic restraints shall be applied on a secured bed located in a restricted area in a facility infirmary or a similar setting where nursing or child care staff shall provide continuous visual observation of the youth. These locations shall be approved by the Department. Visual and audible observations shall be documented in writing for each ten-minute period.

4) Restraint equipment shall consist of leather belts with adjustable and lockable rubber or plastic cuffs that can be sanitized following each use. The facility shall maintain a list and description of restraints which have been designated as

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acceptable for therapeutic purposes by the facility physician. The equipment shall be inspected prior to each use by medical staff or mental health professionals and at least annually by the facility physician to ensure that the equipment is maintained in a safe and functional condition.

5) The youth shall be released under supervision in order to perform bodily functions.

6) Application of restraints shall be made only by trained personnel acting under the supervision of a mental health professional or medical staff.

7) The physician shall review youth on medications and youth with chronic medical problems prior to the application of restraints and any precautions involved with the restraint order shall be documented.

8) Therapeutic restraints shall be removed upon the expiration of the order or upon the order of a psychiatrist, physician, or other mental health professional after personally evaluating the youth.

9) The use of therapeutic restraints shall be reported as an unusual incident as outlined in Section 801.350 of this Subpart.

d) Administration of psychotropic medications shall conform to the requirements set forth in 20 Ill. Adm. Code 415.70 and shall be reported to the Licensing Administrator.

1) If a treatment review committee hearing is to be held pursuant to 20 Ill. Adm. Code 415.70, the Department's Medical Director and the Licensing Administrator shall be given 72-hours notice.

2) Under no circumstances shall a psychotropic drug be administered for the purpose of program management and control.

e) The plan shall provide for screening, care, and referral for care for mentally ill youth. The responsible physician shall designate specific referral sources in advance. Emergency transfers to mental health facilities shall be approved and supervised by the facility physician or licensed mental health professional and reported to the Licensing Administrator as soon as possible following the emergency mental health placement.

**Section 801.730 Pharmaceutical Items**

a) The facility shall have a written plan which provides for the proper management and secure storage of pharmaceutical items and addresses the following:

1) Prescription practices, including the following requirements:

A) Psychotropic medications shall be prescribed only when clinically indicated as one facet of a program of therapy and administered in accordance with 20 Ill. Adm. Code 415.70;

B) "Stop order" time periods shall be required for all medications; and

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- C) The prescribing provider shall reevaluate a prescription prior to its renewal and at a minimum every 30 days.
- 2) Procedures for medication receipt, secure storage, issuance, and or processing documentation.
- 3) Secure storage and periodic inventory of all controlled substances, syringes, and needles.
- 4) Provision of medicine to youth shall be by persons properly trained and under the supervision of the health authority and facility administrator or designee.
- 5) Accountability for providing medications to youth in a timely manner and according to physician's orders.
- b) The person providing medications to youth shall have training from the responsible physician and shall be accountable for providing medications according to health authority requirements and policy. Medications provided shall be recorded in a manner and on a form approved by the responsible physician.

**Section 801.740 Health and Dental Screening and Examinations**

- a) Medical, dental, and mental health screening shall be performed by health-trained or qualified health care personnel on all youth upon arrival at the facility if such examinations have not been completed immediately prior to placement and indicated in the intake documentation. All findings shall be recorded on a form approved by the health authority. The screening form shall include at least the following:
  - 1) Observation of:
    - A) Behavior, which includes state of consciousness, mental status, appearance, conduct, tremor, and sweating.
    - B) Body deformities, ease of movement, etc.
    - C) Condition of skin, including trauma markings, bruises, lesions, jaundice, rashes and infestations, and needle marks or other indications of substance abuse.
  - 2) Inquiry into:
    - A) Chronic medical problems requiring supervision.
    - B) Current illness and health problems, including sexually transmitted diseases (STD) and other infectious diseases.
    - C) Dental problems.
    - D) Mental health problems.
    - E) Use of alcohol and other substances, including types of substances used, mode of use, amounts used, frequency of use, date or time of last use, and a history of problems that may have occurred after ceasing use.
    - F) Past and present treatment or hospitalization for mental disturbance or suicide attempts.
    - G) Other health problems designated by the responsible physician.
    - H) Pregnancy.

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- 3) Medical disposition of youth placement in general population, including:
  - A) Appropriate referral to health care services;
  - B) Referral to appropriate health care services for emergency treatment;
  - C) Restrictions of activity or program participation; or
  - D) Additional services or activity required.
- b) At the time a youth is admitted, program and youth direct care staff may be informed of special medical and mental health concerns on a need-to-know basis.
- c) Health appraisal including:
  - 1) Health history and vital signs collected by health-trained or qualified health personnel.
  - 2) Collection of all other health appraisal data by qualified health personnel.
  - 3) Review by a physician of the results of the medical examination and tests and identification of problems performed.
- d) Dental care shall be provided to each youth under the direction and supervision of a licensed dentist. This care shall include:
  - 1) Dental examination immediately prior to placement or upon admission.
  - 2) Dental hygiene service immediately prior to placement or within 14 days after admission.
  - 3) Dental follow-up within seven days after admission as indicated.
  - 4) Dental treatment when the health of the youth would otherwise be adversely affected.
- e) Emergency medical, dental, and mental health care shall be available to youth on a 24-hour basis. Availability of these services shall be outlined in a written plan that includes arrangements for the following:
  - 1) On-site emergency first aid and crisis intervention.
  - 2) Emergency evacuation of the youth from the facility.
  - 3) Use of an emergency medical vehicle.
  - 4) Use of one or more designated hospital emergency rooms or other appropriate health facilities.
  - 5) Emergency on-call physician, dentist, and mental health professional services when the emergency health facility is not located in a nearby community.
  - 6) Security procedures when transportation is required for youth.
  - 7) Process to notify the Licensing Administrator, parents, and guardians.

**Section 801.750 Medical Responses**

- a) Facility staff and other personnel shall be trained to respond to emergency health-related situations within a four-minute response time. A training program shall be established by the responsible health authority in cooperation with the Chief Administrative Officer.



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The program shall include:

- 1) Recognition of signs and symptoms and knowledge of action required in potential emergency situations.
  - 2) Administration of first aid and cardiopulmonary resuscitation (CPR).
  - 3) Methods of obtaining assistance and communication.
  - 4) Signs and symptoms of mental illness, disabilities, and chemical dependency.
  - 5) Procedures for patient transfers to appropriate medical facilities or health care providers.
  - 6) Staff access to emergency cut down tools such as "knife for life", an airway micro shield for CPR, and protective latex gloves.
  - 7) How to request an ambulance.
  - 8) Protection from blood-borne pathogens.
- b) First aid kits shall be available. The health authority shall approve the contents, number, location, and procedure for periodic inspection of the kits. The facility shall have emergency cut down tools available to on-duty staff.
- c) Sick call for non-emergency medical services conducted by a physician or other qualified medical personnel shall be available to each youth at a minimum of once per week.

**Section 801.760 Health Education**

Programs and training shall be provided to youth for the development of sound habits and practices regarding personal hygiene; sex education; and avoiding sexually transmitted diseases, H.I.V., and infectious diseases; drug education and substance abuse; and education related to consequences of use of tobacco.

**Section 801.770 Suicide Prevention and Intervention**

A written suicide prevention and intervention program shall be reviewed and approved by a qualified medical or mental health professional. All staff who supervise youth shall be trained in the implementation of the program. The program shall include specific procedures for: intake and admission screening; identification and supervision of suicide-prone youth; and crisis intervention responses to suicidal behavior or gestures.

**Section 801.780 Health Records**

- a) The youth's health record shall, where appropriate, contain the following:
- 1) The completed receiving screening form;
  - 2) Health appraisal data forms;
  - 3) All findings, diagnoses, treatments, and dispositions;
  - 4) Prescribed medications and their administration;

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- 5) Laboratory, x-ray, and diagnostic studies;
  - 6) Signature and title of documenter;
  - 7) Consent and refusal forms;
  - 8) Release of information forms;
  - 9) Place, date, and time of health encounters;
  - 10) Health service reports, such as, dental, mental health, and consultation reports;
  - 11) Treatment plan, including nursing care plan;
  - 12) Progress reports; and
  - 13) Discharge summary of hospitalization and other termination summaries.
- b) The method of recording entries in the records, the form and format of the records, and the procedures for their maintenance and safekeeping shall be approved by the health authority.
- c) The facility shall have a written policy and procedure which upholds the principle of confidentiality of the health record and supports the following requirements:
- 1) The active health record shall be maintained separately from the youth's master record file in a Department-approved format.
  - 2) Access to the health record shall be controlled by the health authority. The Department's licensing or medical personnel shall have unrestricted access to a youth's medical record.
  - 3) The health authority shall share with the Chief Administrative Officer information regarding a youth's medical management, security, and ability to participate in programs.
  - d) For a youth being temporarily transferred to other facilities, summaries or copies of the youth's medical history record shall be forwarded to the receiving facility prior to or upon arrival. For permanent transfers, the active record shall accompany the youth.

**Section 801.790 Youth Admission and Case Management**

- a) At the time of intake, youth shall be informed of the admission process; given an explanation of the facility and its program; introduced to staff on duty and to other youth in his or her unit; and assigned a staff counselor or social worker.
- b) The facility intake processing of youth shall include at a minimum:
- 1) A determination that appropriate admission documentation is received.
  - 2) A complete search of the youth and his or her possessions.
  - 3) An inventory documenting the receipt and disposition of personal property.
  - 4) Shower, hair care, and pediculosis management, if necessary.
  - 5) Issuance of clean, laundered clothing, as needed.
  - 6) Issuance of personal hygiene articles.
  - 7) Medical, dental, and mental health record assessment review.
  - 8) Assignment to a residential unit. Housing assignments shall be non-discriminatory. Youth with disabilities shall be housed in a

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manner that provides for their safety and security and provides integration with the general population.

- 9) Recording of basic personal data and information to be used for mail and visiting lists.
- 10) Assistance to youth in notifying their families of their admission and procedures for mail and visiting. Youth shall be allowed to make at least two long-distance telephone calls to family members, attorneys, or other approved individuals during the admission process.
- 11) Confirmation of a Department youth identification number.
- 12) Provision of written orientation materials to the youth.
- 13) Completion of data sheet information as required by Department.
- 14) Identification of security concerns.
- 15) Identification of restrictions or special needs.
- 16) Three black and white Polaroid pictures of the youth's upper torso and head: one copy for the master record file; one copy for the medical file; and one copy for the control center. Current pictures shall be updated when the youth's appearance changes enough to make a positive identification difficult, but at least every 12 months.
- 17) Three sets of fingerprints.

**Section 801.800 Classification, Program, and Treatment**

- a) Assignment of a Counselor or Social Worker  
At the time of intake, youth shall be assigned a counselor or social worker who shall plan the youth's personalized, comprehensive treatment program and begin the process of case management.
- b) Completion of a Summary Admission Report  
The facility shall complete a summary admission report for all new admissions to the facility that includes at a minimum: security concerns, restrictions, or precautions and escape history; account of the legal aspects of the case; summary of criminal history, if any; social history; medical, dental, and mental health history; vocational interests and experience; educational status; religious background and interests; psychological evaluation; psychological evaluation assessment; staff reports; staff recommendations; recreational preferences; and needs assessments.
- c) Security Supervision Classification
  - 1) Upon admission, youth shall be classified to the most appropriate level of supervision, programming, and treatment. The facility shall establish a written plan regarding security supervision classification.
  - 2) The classification of youth shall include the level of risk presented, the type of program required, and level of supervision for participation in facility programs and any special housing needs. The plan shall specify the criteria and procedures for determining and changing the supervision level of a youth.

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## d) Individual Comprehensive Case Plan

- 1) Within 30 days following admission, a personalized comprehensive treatment program shall be designed with and for each youth that includes measurable criteria of expected behavior and accomplishments, a time schedule for achievement, and a target release date. The program objectives shall be documented and signed by staff and youth. A copy shall be provided to the Licensing Administrator and to the guardian.
- 2) Program staff and youth shall review changes in the youth's program and document this procedure with staff and youth signatures. Changes to the targeted release date shall be documented.
- 3) At no time shall the target date for release exceed the youth's mandatory discharge date.
- e) Monthly Program Progress Review  
The facility shall review youth program progress and goals at least every month including assessing the youth's continuing need for placement in secure care. The review schedule shall be provided in advance to the Licensing Administrator and the Department of Children and Family Services. The outcome of each review shall be documented and copies shall be submitted to the Licensing Administrator and the guardian in a Department-approved format.
- f) Annual Case Review

All youth held in secure care shall have an independent case review annually by a multi-disciplinary panel appointed by the Deputy Director. This review shall be independent of the Licensing Administrator for the purpose of providing an impartial assessment of the youth's need for continued placement in secure care. The panel shall submit written recommendations to the Deputy Director regarding its findings.

**Section 801.810 Social and Psychological Service Programs**

- a) Social Service Program  
The facility shall make available the services necessary to meet the needs of the youth. Social service programs may include diagnostic testing and assessment, psychiatric evaluation, pharmacological intervention, and behavior programming; individual, group, and family counseling; drug and alcohol treatment; sex offender and special offender treatment; and violence reduction programming. Youth who have a dual diagnosis shall have interventions appropriate to their needs.
- b) Annual Needs Survey  
Facility staff shall survey and identify the collective service needs of the youth population at least annually. New program initiatives shall be provided to meet the needs of youth with specific types of problems.
- c) Program Coordination and Supervision
  - 1) The social and psychological services program shall be

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administered and supervised by a licensed mental health professional.

- 2) Social and psychological personnel who provide counseling and social services shall be available at a ratio of at least one to every 20 youth.

## d) Counseling

- 1) Staff members shall be available to counsel youth at their request and on an emergency basis.
- 2) Youth shall have access to psychiatric services in accordance with their needs.
- 3) Social, psychological, and psychiatric personnel shall share relevant information and coordinate their efforts with appropriate staff.

**Section 801.820 Education**

- a) The facility shall establish a written plan governing the facility's academic, vocational education, and work training programs for secure care youth, including program accreditation, staff certification, and coordination with other facility programs and services and planning for continuing care and release to a less restrictive setting.

- b) There shall be a comprehensive educational program for youth which includes but is not limited to: developmental education; remedial education; special education; multi-cultural education; bilingual education; and when the profile indicates, an adaptive physical education and tutorial service.

- c) The educational program shall operate under the auspices of the local school system having jurisdiction. Youth should receive academic credit for education that can be transferred to schools in the community and diplomas shall be awarded by the school system having jurisdiction.

- d) Educational and vocational supervisors and instructors shall have State certification appropriate to the grade level, educational status, and curriculum of youth assigned.

**Section 801.830 Library Services**

- a) The facility shall have a qualified person who coordinates and supervises library services.

- b) Library services shall be available to all youth.

**Section 801.840 Recreation and Leisure Time Activities**

- a) The facility shall have a qualified staff member who directs and supervises all recreation programs.

- b) Youth shall be granted access to recreational opportunities and equipment that are appropriate for their age, maturity, and physical development, including outdoor exercise when the climate, medical, and

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safety and security concerns permit.

- c) A variety of fixed and movable equipment shall be provided for indoor and outdoor recreation suitable for the security requirements of the youth being served. Care shall be taken to limit access to potential weapons. Staff shall supervise all activities. Contact sports shall not be permitted. Medical screening shall govern youth participation.

- d) Recreation and leisure-time shall be provided for at least one hour per day of large muscle activity and one hour of structured leisure-time activities, except for limitations imposed by the Chief Administrative Officer on a limited basis. Each youth shall be offered at least one hour of access to outdoor exercise areas daily, weather permitting. Limitations shall be based on medical, administrative, or safety or security concerns and require the approval of the Licensing Administrator.

**Section 801.850 Religious Programs**

- a) Qualified staff or a volunteer shall coordinate the facility's religious programs. Religious affiliation documented in the youth's master record file shall be determined by the parental authority as recognized in Section 1-3(13) of the Juvenile Court Act [705 ILCS 405/1-3(13)].

- b) Youth shall have reasonable opportunities to pursue their religious beliefs and practices, subject to concerns regarding safety, security, rehabilitation, institutional order, space, and resources. Space shall be available for the observance of religious activities. Schedules for religious services shall be made available to all youth.

**Section 801.860 Mail**

- a) The facility shall develop a written plan governing youth correspondence which shall be made available to all staff and youth. The plan shall be reviewed annually and updated as needed.

- b) The written plan shall grant youth the right to communicate or correspond with persons or organizations subject only to the limitations necessary to maintain facility order and security or to comply with victim access restrictions.

- c) The volume of mail received shall not be restricted.

- d) All outgoing mail shall be clearly marked with the youth's name.

- e) Unlimited mail may be sent when the youth bears the mailing cost.

- f) Youth may send three first class letters weekly in the continental United States at the facility's expense.

- g) Youth shall be permitted to send sealed letters marked as privileged mail to: Judges or magistrates of any court; organizations providing direct legal representation; registered attorneys; officials of the Illinois Department of Corrections and the Department of Children and Family Services; administrators of the grievance system; the Governor of Illinois; federal, State, or local Illinois legislators; and the



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John Howard Association.

- h) Youth's mail, both incoming and outgoing, may be opened, read, and inspected for contraband. Mail shall be censored or rejected when it poses a threat to the facility security or order. The youth shall be notified when incoming or outgoing letters are withheld in full or in part.
- i) All funds received through the mail shall be held for the youth in accordance with the procedures approved by the Licensing Administrator. All cashier's checks, money orders, cash, and checks or other funds received through the mail shall be deposited in the youth's account.
- j) Incoming and outgoing letters shall be delivered within 24 hours after receipt and packages shall be delivered within 48 hours after receipt, excluding weekends and holidays.
- k) First-class letters and packages shall be forwarded after youth are transferred or released.
- l) The facility plan regarding access to publications shall include: the mechanisms whereby publications may be received; the publication screening and review procedures; the criteria for the prohibition of publications; and the requirement that the youth be provided with a written explanation of why the publication was denied. The facility shall prohibit any publications which the Chief Administrative Officer determines to be obscene according to the definition of obscenity established by the United States Supreme Court or to be a clear and present danger to the physical safety and security of persons and property within the facility.

**Section 801.870 Telephones**

Youth shall be offered the opportunity to place a weekly five-minute telephone call to parents or caregivers. Policies for receiving and monitoring of telephone calls shall be included in a written plan.

**Section 801.880 Visits**

- a) The facility shall establish a written plan granting youth visiting privileges, subject to the limitations necessary to maintain facility order and security. The plan shall identify policies related to peer visits.
- b) Visitors shall be identified on visiting lists approved by the Chief Administrative Officer. The Department of Children and Family Services shall provide, in writing, any names of persons restricted from visiting youth by their policy.
- c) The facility's visiting area shall provide for informal communication, including the opportunity for physical contact.
- d) Searches of visitors and youth, restrictions on visitors bringing in personal items, and circumstances under which the visit shall be supervised shall be included in the plan.

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- e) All visiting regulations shall be made available to all persons on the youth's visitors list.
- f) Restrictions applying to visits shall be posted in the visiting area and defined.
- g) The plan shall include procedures governing special visits such as attorney visits, official visits by court officers, law enforcement officials, or Department of Children and Family Services caseworkers and those of other social agencies.
- h) Visitors shall register upon entry into the facility. Proof of identification and a record of each visit, including the visitor's name, date and time of visit, address, and relationship, shall be kept for each youth and be returned to the master record file at time of discharge.
- i) The denial of visitation or revocation of visiting privileges previously granted must be based on documented security concerns or rule violations related to conduct of youth or visitors during visits or which involve issues related to safeguarding the youth from visitor abuse or other youth misconduct.

**Section 810.890 Release**

## a) Release Plans

- 1) The facility case management program plan shall provide for a structured transition for youth to a less restrictive setting based on the youth's overall progress and gains in personal development, maturity, stability, and recognized placement needs. Pre-release planning for the youth's transition shall be undertaken by the facility in collaboration with the Department of Children and Family Services and the Licensing Administrator. The date for a recommendation for submission of a final discharge by the Department to the court and State's Attorney shall be included in the transition plan. When approved by the Licensing Administrator, the continuing care plan shall be processed according to the plan's scheduled requirements. Changes may be made at any time due to altered circumstances and the plan may be modified or withdrawn upon approval of the Licensing Administrator.
- 2) Release planning for youth approaching their mandatory discharge date shall be initiated at least 90 days prior to the mandatory discharge date to provide sufficient opportunity for multi-agency collaboration and notification to the court and State's Attorney of the statutorily mandated notice of discharge from the Department's custody.
- b) Temporary Release and Final Release to Continuing Care
  - 1) The facility shall develop a written plan for temporary release status in order to allow youth the opportunity to gradually be exposed to less restrictive settings.

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- 2) The plan shall include the criteria for recommending temporary release and ensure the criteria is specific enough to permit consistent application to individual cases.
- 3) Youth shall be scheduled for release to a less restrictive setting as soon as their plan objectives are achieved or the mandatory discharge date is reached.
- 4) Youth shall be given the reasons for any deferral of release in writing and the decision shall be recorded in the case record.
- 5) Youth may be released earlier than initially anticipated in conformity with the facility's previously established and written criteria and with the concurrence of the Department.
- 6) The plan may include graduated release through a systematic decrease in supervision and corresponding increase in youth responsibility as part of the continuing care program. Unescorted graduated release shall require the approval of the Licensing Administrator.
- 7) Youth shall be advised in writing of the conditions of release and behavior that is unacceptable during temporary release and sanctions that may be applied to youth who violate the conditions or exhibit unacceptable behavior.
- 8) Youth may be allowed to participate in restitution, school release, and work training as a part of a temporary release program.
- 9) The facility's plan shall provide for escorted and unescorted day leaves into the community as part of a temporary release program.
- 10) The Department shall not accept the presence of a detainee as an automatic bar to release. The Licensing Administrator shall determine the basis of any such detainee and release the youth to a detainee, when appropriate.
- 11) The facility shall provide for release to community placement in residential centers, foster homes, group homes, family homes, semi-independent living, or independent living as a component of continuing care with the express written authorization of the Deputy Director.

## c) Discharge Notice

- 1) Thirty days prior to implementation of the transition plan, the Licensing Administrator shall provide notice of the Department's intent to discharge a secure care youth to the Juvenile Court and to the State's Attorney. The notice shall be accompanied by an approved copy of the transition plan which incorporates the Department of Children and Family Services' planned community placement and continuing services. The Department shall petition the court for an order terminating custodianship.
  - 2) The Department's custodianship shall automatically terminate 30 days after the court and State's Attorney are provided notice of intent to discharge custodianship.
- d) Records of Discharged Youth
- The facility shall upon notice of discharge return all master record

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files to the Department at the address provided by the Licensing Administrator. Master record files include medical and educational records. The facility shall retain all operational records for a period of at least five years.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Water Quality Standards

2) Code Citation: 35 Ill. Adm. Code 302

3) Section Numbers: Proposed Action:

302.208 Amend

302.407 Amend

4) Statutory Authority: 415 ILCS 5/13, 27 and 28.2

5) A Complete Description of the Subjects and Issues Involved:

These proposed amendments are part of the Illinois Environmental Protection Agency's (Agency) Triennial Review. The proposed amendments revise the Board's General Use Water Quality Standards for lead and mercury. The amendments also correct the STORET number for ammonia nitrogen and selenium in Section 302.407.

Pursuant to 415 ILCS 5/28.2(e), Agency has certified that the proposed revisions to the Water Quality Standards are federally required. These proposed amendments also provide a directive to the Agency controlling the application of the amended rules to dischargers required to have a National Pollutant Discharge Elimination System (NPDES) permit. The Agency is required to set effluent discharge limits at existing amounts (with an allowance for growth), and when the Agency determines according to specified factors that the receiving water body has been modified by effluents, the Agency is required to establish effluent permit limits no lower than specified amounts.

A more detailed description of the amendments can be found in the Board's opinion in Docket R94-1(A) of January 4, 1996, which is available from the Board.

6) Will this proposed amendment replace an emergency amendment currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: These proposed amendments are consistent with the policy objectives set out in Section 11(b) of the Environmental Protection Act (415 ILCS 5/11(b)). The proposed revisions to water quality standards impose a federal mandate on units of local government that operate sewage treatment works.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R94-1(A) and be addressed to:

Ms. Dorothy Gunn, Clerk  
Illinois Pollution Control Board  
James R. Thompson Center, Suite 11-500  
100 West Randolph Street  
Chicago, Illinois 60601

Questions concerning this rulemaking should be addressed to: Diane O'Neill at (312) 814-6062.

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: January 9, 1996

B) Types of small businesses affected: There are no known small businesses that would be affected by the proposed amendment.

C) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments require reporting, bookkeeping and other procedures, including the taking of effluent and stream samples, water analysis, and reporting.

D) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of biologists, chemists and registered professional engineers.

13) Regulatory Agenda on which this rulemaking was summarized: January 1996

The full text of the Proposed Amendments begins on the next page:



## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION  
 SUBTITLE C: WATER POLLUTION  
 CHAPTER 1: POLLUTION CONTROL BOARD

## PART 302

## WATER QUALITY STANDARDS

## SUBPART A: GENERAL WATER QUALITY PROVISIONS

## Section

310.100

Definitions

310.101

Scope and Applicability

310.102

Allowed Mixing, Mixing Zones and Zids

310.103

Stream Flows

310.104

Main River Temperatures

310.105

Nondegradation

## SUBPART B: GENERAL USE WATER QUALITY STANDARDS

## Section

310.201

Scope and Applicability

310.202

Purpose

310.203

Offensive Conditions

310.204

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310.205

Phosphorus

310.206

Dissolved Oxygen

310.207

Radioactivity

310.208

Numeric Standards for Chemical Constituents

310.209

Fecal Coliform

310.210

Other Toxic Substances

310.211

Temperature

310.212

Ammonia Nitrogen and Un-ionized Ammonia

## SUBPART C: PUBLIC AND FOOD PROCESSING WATER SUPPLY STANDARDS

## Section

310.301

Scope and Applicability

310.302

Alcide Permits

310.303

Finished Water Standards

310.304

Chemical Constituents

310.305

Other Contaminants

310.306

Fecal Coliform

## SUBPART D: SECONDARY CONTACT AND INDIGENOUS AQUATIC LIFE STANDARDS

## Section

310.401

Scope and Applicability

310.402

Purpose

## POLLUTION CONTROL BOARD

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310.403

Unnatural Sludge

310.404

pH

310.405

Dissolved Oxygen

310.406

Fecal Coliform (Repealed)

310.407

Chemical Constituents

310.408

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310.410

Substances Toxic to Aquatic Life

## SUBPART E: LAKE MICHIGAN WATER QUALITY STANDARDS

## Section

310.501

Scope and Applicability

310.502

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310.503

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310.504

Chemical Constituents

310.505

Fecal Coliform

310.506

Temperature

310.507

Existing Sources on January 1, 1971

310.508

Sources Under Construction But Not in Operation on January 1, 1971

310.509

Other Sources

## SUBPART F: PROCEDURES FOR DETERMINING WATER QUALITY CRITERIA

## Section

310.601

Scope and Applicability

310.603

Definitions

310.604

Mathematical Abbreviations

310.606

Data Requirements

310.612

Determining the Acute Aquatic Toxicity Criterion for an Individual Substance - General Procedures

310.615

Determining the Acute Aquatic Toxicity Criterion - Toxicity Independent on Water Chemistry

310.618

Determining the Acute Aquatic Toxicity Criterion - Toxicity Dependent on Water Chemistry

310.621

Determining the Acute Aquatic Toxicity Criterion - Procedures for Combinations of Substances

310.627

Determining the Chronic Aquatic Toxicity Criterion for an Individual Substance - General Procedures

310.630

Determining the Chronic Aquatic Toxicity Criterion - Procedure for Combination of Substances

310.633

The Wild and Domestic Animal Protection Criterion

310.642

The Human Threshold Criterion

310.645

Determining the Acceptable Daily Intake

310.648

Determining the Human Threshold Criterion

310.651

The Human Nonthreshold Criterion

310.654

Determining the Risk Associated Intake

310.657

Determining the Human Nonthreshold Criterion

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302.658 Stream Flow for Application of Human Nonthreshold Criterion

302.660 Bioconcentration Factor

302.663 Determination of Bioconcentration Factor

302.666 Utilizing the Bioconcentration Factor

302.669 Listing of Derived Criteria

APPENDIX A References to Previous Rules

APPENDIX B Sources of Codified Sections

AUTHORITY: Implementing Section 13 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/13 and 27].

SOURCE: Filed with the Secretary of State January 1, 1978; amended at 2 Ill. Reg. 44, p. 151, effective November 2, 1978; amended at 3 Ill. Reg. 20, p. 95, effective May 17, 1979; amended at 3 Ill. Reg. 25, p. 190, effective June 21, 1979; codified at 6 Ill. Reg. 7818; amended at 6 Ill. Reg. 11161, effective September 7, 1982; amended at 6 Ill. Reg. 13750, effective October 26, 1982; amended at 8 Ill. Reg. 1629, effective January 18, 1984; peremptory amendments at 10 Ill. Reg. 461, effective December 23, 1985; amended at R87-27 at 12 Ill. Reg. 9911, effective May 27, 1988; amended at R85-29 at 12 Ill. Reg. 12082, effective July 11, 1988; amended in R88-1 at 13 Ill. Reg. 5998, effective April 18, 1989; amended in R88-21(A) at 14 Ill. Reg. 2899, effective February 13, 1990; amended in R88-21(B) at 14 Ill. Reg. 11974, effective July 9, 1990; amended in R94-1(A) at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

BOARD NOTE: This Part implements the Illinois Environmental Protection Act as of July 1, 1994.

SUBPART B: GENERAL USE WATER QUALITY STANDARDS

Section 302.208 Numeric Standards for Chemical Constituents

- The acute standard (AS) for the chemical constituents listed in subsection (ed) shall not be exceeded at any time except as provided in subsection (de).
- The chronic standard (CS) for the chemical constituents listed in subsection (ed) shall not be exceeded by the arithmetic average of at least four consecutive samples collected over any period of at least four days, except as provided in subsection (de). The samples used to demonstrate compliance or lack of compliance with a CS must be collected in a manner which assures an average representative of the sampling period.
- The human health standard (HHS) for the chemical constituents listed in subsection (f) shall not be exceeded when the stream flow is at or above the harmonic mean pursuant to Section 302.558 nor shall an annual average, based on at least eight samples collected in a manner representative of the sample period, exceed the HHS except as provided

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d(e) in subsection (d).

In waters where a mixing is allowed pursuant to Section 302.102, the following apply:

- The AS shall not be exceeded in any waters except for those waters for which the Agency has approved a ZID pursuant to Section 302.102.7
- The CS shall not be exceeded outside of waters in which mixing is allowed pursuant to Section 302.102.
- The HHS shall not be exceeded outside of waters in which mixing is allowed pursuant to Section 302.102.

ed) Numeric Water Quality Standards for the Protection of Aquatic Organisms

Constituent	STORET Number	AS (ug/L)	CS (ug/L)
Arsenic (total)	01002	360	190
Cadmium (total)	01027	exp[A + Bln(H)], but not to exceed 50 ug/L, where A = -2.918 and B = 1.128	exp((A + Bln(H)), where A = -3.490 and B = 0.7852
Chromium (total hexavalent)	01032	16	11
Chromium (total trivalent)	01033	exp[A + Bln(H)], where A = 3.688 and B = 0.8190	exp[A + Bln(H)], where A = 1.561 and B = 0.8190
Copper (total)	01042	exp[A + Bln(H)], where A = -1.464 and B = 0.9422	exp[A + Bln(H)], where A = -1.465 and B = 0.8545
Cyanide	00718	22	5.2
Lead (total)	01051	exp[A + Bln(H)], but not to exceed 100-ug/57 where A = -1.460 and B = 1.273	Not-Appplied exp[A + Bln(H)], where A = -2.863 and B = 1.273

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Section 302.407 Chemical Constituents

Concentrations of other chemical constituents shall not exceed the following standards:

CONSTITUENT	STORET NUMBER	CONCENTRATION (mg/L±)
Ammonia, Un-ionized (as N)*	00612886±9	0.1
Arsenic (total)	01002	1.0
Barium (total)	01007	5.0
Cadmium (total)	01027	0.15
Chromium (total hexavalent)	01032	0.3
Chromium (total trivalent)	01033	1.0
Copper (total)	01042	1.0
Cyanide (total)	00720	0.10
Fluoride (total)	00951	15.0
Iron (total)	01045	2.0
Iron (dissolved)	01046	0.5
Lead (total)	01051	0.1
Manganese (total)	01055	1.0
Mercury (total)	71900	0.0005
Nickel (total)	01067	1.0
Oil, fats and grease	005500, 00556 or 00560	15.0**
Phenols	32730	0.3
Selenium (total)	0114788±47	1.0
Silver	01077	0.1
Zinc (total)	01092	1.0
Total Dissolved Solids	70300	1500

\*For purposes of this section the concentration of un-ionized ammonia shall be computed according to the following equation:

$$U = \frac{N}{[0.94412(1 + 10^x) + 0.0559]}$$
$$X = \frac{0.09018 + 2729.92}{(T + 273.16)} - \text{pH}$$

where:

U = Concentration of un-ionized ammonia as N in mg/L±

N = Concentration of ammonia nitrogen as N in mg/L±

T = Temperature in degrees Celsius

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Mercury 71900 2.68-5 Not-Applied 1.3

TRC 50060 19 11

where: ug/L = microgram per liter,  
exp(x) = base of natural logarithms  
raised to the x-power, and  
ln(H) = natural logarithm of Hardness  
(STORET 00900).

f) Numeric Water Quality for the Protection of Human Health

Constituent	STORET Number	(ug/L)
Mercury	71900	0.012

where: ug/L = micrograms per liter

g) Concentrations of the following chemical constituents shall not be exceeded except in waters for which mixing is allowed pursuant to Section 302.102.

Constituent	Units	STORET Number	Standard
Barium (total)	mg/L	01007	5.0
Boron (total)	mg/L	01022	1.0
Chloride (total)	mg/L	00940	500.
Fluoride	mg/L	00951	1.4
Iron (dissolved)	mg/L	01046	1.0
Manganese (total)	mg/L	01055	1.0
Nickel (total)	mg/L	01067	1.0
Phenols	mg/L	32730	0.1
Selenium (total)	mg/L	01147	1.0
Silver (total)	ug/L	01077	5.0
Sulfate	mg/L	00945	500.
Total Dissolved Solids	mg/L	70300	1000.
Zinc (total)	mg/L	01092	1.0

where: mg/L = milligrams per liter and  
ug/L = micrograms per liter

(Source: Amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



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**\*\*Oil** shall be analytically separated into polar and non-polar components if the total concentration exceeds 15 mg/Lt. In no case shall either of the components exceed 15 mg/Lt (i.e., 15 mg/Lt polar materials and 15 mg/Lt non-polar materials).

(Source: Amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Aid to Families with Dependent Children
- 2) Code Citation: 89 Ill. Adm. Code 112
- 3) Section Number: Proposed Action:  
112.71 Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13] and Public Act 89-6.

5) Complete Description of the Subjects and Issues Involved: In accordance with provisions of Public Act 89-6, these proposed amendments codify a change in AFDC JOBS policy as part of the Governor's Fast Track Welfare Reform plan intended to move AFDC clients more quickly from welfare to work. Due to a change in State law and receipt of a federal waiver, this rulemaking provides that parents age 16 to 18 who are attending high school are no longer exempt from JOBS participation if they have not received a high school diploma or GED. Until now, parents age 16 to 18 who were attending school full-time were exempt from participating in the Teen Parent Initiative/Young Parent Services (TPI/YPS) program, a part of AFDC JOBS. They could volunteer for the program, but could not be required to participate. As a result of these proposed amendments, parents under age 18 are no longer exempt due to school attendance if they have not received a high school diploma or GED. They must now participate in TPI/YPS unless they qualify for a different exemption. This rulemaking affects both young parents who have their own grants and those who are included in someone else's grant.

- 6) Will these proposed amendments replace emergency amendments currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? Yes

Sections	Proposed Action	Illinois Register Citation
112.65	New Section	September 15, 1995 (19 Ill. Reg. 12927)
112.70	Amendment	October 13, 1995 (19 Ill. Reg. 14292)
112.71	Amendment	October 13, 1995 (19 Ill. Reg. 14292)
112.72	Amendment	October 13, 1995 (19 Ill. Reg. 14292)
112.74	Amendment	October 13, 1995 (19 Ill. Reg. 14292)
112.76	Amendment	October 13, 1995 (19 Ill. Reg. 14292)
112.77	Amendment	October 13, 1995 (19 Ill. Reg. 14292)
112.78	Amendment	October 13, 1995 (19 Ill. Reg. 14292)

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112.79	Amendment	October 13, 1995 (19 Ill. Reg. 14292)
112.251	Amendment	July 21, 1995 (19 Ill. Reg. 10363)
112.252	Amendment	July 21, 1995 (19 Ill. Reg. 10363)
112.253	Amendment	July 21, 1995 (19 Ill. Reg. 10363)
112.254	Amendment	July 21, 1995 (19 Ill. Reg. 10363)
112.303	Amendment	October 6, 1995 (19 Ill. Reg. 13759)

10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.

11) Time, Place, and Manner in which Interested Persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

Judy Umunna  
Bureau of Rules and Regulations  
Illinois Department of Public Aid  
100 South Grand Ave. E., 3rd Floor  
Springfield, IL 62762  
(217) 524-3215

The Department requests the submission of written comments within 30 days after the publication of this notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: This rulemaking was not anticipated by the Department when the two most recent regulatory agendas were published.

The full text of the Proposed Amendments begins on the next page:

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES  
CHAPTER I: DEPARTMENT OF PUBLIC AID  
SUBCHAPTER b: ASSISTANCE PROGRAMS

## PART 112

## AID TO FAMILIES WITH DEPENDENT CHILDREN

## SUBPART A: GENERAL PROVISIONS

Section	
112.1	Description of the Assistance Program
112.5	Incorporation by Reference

## SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section	
112.8	Caretaker Relative
112.9	Client Cooperation
112.10	Citizenship
112.20	Residence
112.30	Age
112.40	Relationship
112.50	Living Arrangement
112.52	Social Security Numbers
112.54	Assignment of Medical Support Rights
112.60	Lack of Parental Support or Care
112.61	Death of a Parent
112.62	Incapacity of a Parent
112.63	Continued Absence of a Parent
112.64	Unemployment of the Parent
112.67	Restriction in Payment to Households Headed by a Minor Parent

## SUBPART C: JOB OPPORTUNITIES AND BASIC SKILLS TRAINING (JOBS) PROGRAM

Section	
112.70	Participation Requirements for JOBS
112.71	Individuals Exempt from JOBS
112.72	JOBS Participation/Cooperation Requirements
112.73	Adolescent Parent Program
112.74	JOBS Initial Assessment Process/Development of an Employability Plan
112.76	JOBS Orientation
112.77	Conciliation and Fair Hearings
112.78	JOBS Components
112.79	JOBS Sanctions
112.80	Good Cause for Failure to Comply with JOBS Participation Requirements
112.81	Responsible Relative Eligibility for JOBS
112.82	JOBS Supportive Services
112.83	Young Parents Program

## DEPARTMENT OF PUBLIC AID

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112.84	Work Experience Evaluation Project
112.85	Four Year College/Vocational Training Demonstration Project
SUBPART E: PROJECT ADVANCE	
Section	Project Advance
112.86	Project Advance Experimental and Control Groups
112.87	Project Advance Participation Requirements of Experimental Group
112.88	Members and Adjudicated Fathers
112.89	Project Advance Cooperation Requirements of Experimental Group
	Members and Adjudicated Fathers
112.90	Project Advance Sanctions
112.91	Good Cause for Failure to Comply with Project Advance
112.93	Individuals Exempt From Project Advance
112.95	Project Advance Supportive Services

## SUBPART F: EXCHANGE PROGRAM

Section  
112.98

Exchange Program

## SUBPART G: FINANCIAL FACTORS OF ELIGIBILITY

Section	Unearned Income	Unearned Income of Stepparent or Parent	Unearned Income of Stepparent or Parent	Date of
112.100	Budgeting Unearned Income	Budgeting Unearned Income	Budgeting Unearned Income	
112.105	Budgeting Unearned Income of Applicants	Budgeting Unearned Income of Applicants	Budgeting Unearned Income of Applicants	
112.106	Application And/Or Date Of Decision	Application And/Or Date Of Decision	Application And/Or Date Of Decision	
112.107	Initial Receipt of Unearned Income	Initial Receipt of Unearned Income	Initial Receipt of Unearned Income	
112.108	Termination of Unearned Income	Termination of Unearned Income	Termination of Unearned Income	
112.110	Exempt Unearned Income	Exempt Unearned Income	Exempt Unearned Income	
112.115	Education Benefits	Education Benefits	Education Benefits	
112.120	Incentive Allowances	Incentive Allowances	Incentive Allowances	
112.125	Unearned Income In-Kind	Unearned Income In-Kind	Unearned Income In-Kind	
112.126	Earmarked Income	Earmarked Income	Earmarked Income	
112.127	Lump Sum Payments	Lump Sum Payments	Lump Sum Payments	
112.128	Protected Income	Protected Income	Protected Income	
112.130	Earned Income	Earned Income	Earned Income	
112.131	Earned Income Tax Credit	Earned Income Tax Credit	Earned Income Tax Credit	
112.132	Budgeting Earned Income	Budgeting Earned Income	Budgeting Earned Income	
112.133	Budgeting Earned Income of Applicants Employed On Date of Application	Budgeting Earned Income of Applicants Employed On Date of Application	Budgeting Earned Income of Applicants Employed On Date of Application	
	And/Or Date Of Decision	And/Or Date Of Decision	And/Or Date Of Decision	
112.134	Initial Employment	Initial Employment	Initial Employment	
112.135	Budgeting Earned Income For Contractual Employees	Budgeting Earned Income For Contractual Employees	Budgeting Earned Income For Contractual Employees	
112.136	Budgeting Earned Income For Non-Contractual School Employees	Budgeting Earned Income For Non-Contractual School Employees	Budgeting Earned Income For Non-Contractual School Employees	
112.137	Termination of Employment	Termination of Employment	Termination of Employment	

## DEPARTMENT OF PUBLIC AID

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112.138	Transitional Payments (Repealed)
112.140	Exempt Earned Income
112.141	Earned Income Exemption
112.142	Exclusion From Earned Income Exemption
112.143	Recognized Employment Expenses
112.144	Income From Work/Study/Training Program
112.145	Earned Income From Self-Employment
112.146	Earned Income From Roomer and Boarder
112.147	Income From Rental Property
112.148	Payments from the Illinois Department of Children and Family Services
112.149	Earned Income In-Kind
112.150	Assets
112.151	Exempt Assets
112.152	Asset Disregards
112.153	Deferral of Consideration of Assets
112.154	Property Transfers (Repealed)
112.155	AFDC Income Limit

## SUBPART H: PAYMENT AMOUNTS

Section  
112.250  
112.251  
112.252  
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112.254

Grant Levels

Payment Levels in AFDC

Payment Levels in AFDC Group I Counties

Payment Levels in AFDC Group II Counties

Payment Levels in AFDC Group III Counties

## SUBPART I: OTHER PROVISIONS

Section  
112.300  
112.301  
112.302  
112.303  
112.304  
112.305  
112.306  
112.307  
112.308  
112.309  
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112.320  
112.330

Persons Who May Be Included in the Assistance Unit

Presumptive Eligibility

Monthly Reporting

Retrospective Budgeting

Budgeting Schedule

Strikers

Foster Care Program

Responsibility of Sponsors of Aliens

Special Needs Authorizations

Institutional Status

Young Parent Program (Renumbered)

Redetermination of Eligibility

Extension of Medical Assistance Due to Increased Income from Employment

Four Month Extension of Medical Assistance Due to Child Support Collections

Extension of Medical Assistance Due to Loss of Earned Income Disregard (Repealed)



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## 112.340 New Start Payments to Individuals Released from Department of Corrections Facilities

## SUBPART J: CHILD CARE

## Section

- 112.350 Child Care
- 112.352 Child Care Eligibility
- 112.354 Qualified Provider
- 112.356 Notification of Available Services
- 112.358 Participant Rights and Responsibilities
- 112.362 Additional Service to Secure or Maintain Child Care Arrangements
- 112.364 Rates of Payment for Child Care
- 112.366 Method of Providing Child Care
- 112.370 Non-JOBS Education and Training Program

## SUBPART K: TRANSITIONAL CHILD CARE

## Section

- 112.400 Transitional Child Care Eligibility
- 112.404 Duration of Eligibility for Transitional Child Care
- 112.406 Loss of Eligibility for Transitional Child Care
- 112.408 Qualified Child Care Providers
- 112.410 Notification of Available Services
- 112.412 Participant Rights and Responsibilities
- 112.414 Child Care Overpayments and Recoveries
- 112.416 Fees for Service for Transitional Child Care
- 112.418 Rates of Payment for Transitional Child Care

AUTHORITY: Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. IV and 12-13].

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amendment at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979; peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 11, 1983; rules repealed and new rules adopted and codified at 7 Ill. Reg. 2720, effective February 28, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 11284, effective August 26, 1983; amended at 7 Ill. Reg. 13920, effective October 7, 1983; amended at 7 Ill. Reg. 15690, effective November 9, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 16105; amended at 7 Ill. Reg. 17344, effective December 21, 1983; amended at 8 Ill. Reg. 213, effective December 27, 1983; emergency amendment at 8 Ill. Reg. 569, effective January 1, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 4176, effective March 19, 1984; amended at 8 Ill. Reg. 5207, effective April 9, 1984; amended at 8 Ill. Reg. 7226, effective May 16, 1984; amended at 8 Ill. Reg. 11391, effective June 27, 1984; amended at 8 Ill. Reg. 12333, effective June 29, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 17894;

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peremptory amendment at 8 Ill. Reg. 18127, effective October 1, 1984; peremptory amendment at 8 Ill. Reg. 19889, effective October 1, 1984; amended at 8 Ill. Reg. 19983, effective October 3, 1984; emergency amendment at 8 Ill. Reg. 21666, effective October 19, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21621, effective October 23, 1984; amended at 8 Ill. Reg. 25023, effective December 19, 1984; amended at 9 Ill. Reg. 282, effective January 1, 1985; amended at 9 Ill. Reg. 4062, effective March 15, 1985; amended at 9 Ill. Reg. 8155, effective May 17, 1985; emergency amendment at 9 Ill. Reg. 10094, effective June 19, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11317, effective July 5, 1985; amended at 9 Ill. Reg. 12795, effective August 9, 1985; amended at 9 Ill. Reg. 15887, effective October 4, 1985; amended at 9 Ill. Reg. 16277, effective October 11, 1985; amended at 9 Ill. Reg. 17827, effective November 18, 1985; emergency amendment at 10 Ill. Reg. 354, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 1172, effective January 10, 1986; amended at 10 Ill. Reg. 3641, effective January 30, 1986; amended at 10 Ill. Reg. 4885, effective March 7, 1986; amended at 10 Ill. Reg. 8118, effective May 1, 1986; amended at 10 Ill. Reg. 10628, effective June 1, 1986; amended at 10 Ill. Reg. 11017, effective June 6, 1986; Sections 112.78 through 112.86 and 112.88 recodified to 89 Ill. Adm. Code 160 at 10 Ill. Reg. 11928; emergency amendment at 10 Ill. Reg. 12107, effective July 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 12650, effective July 14, 1986; amended at 10 Ill. Reg. 14681, effective August 29, 1986; amended at 10 Ill. Reg. 15101, effective September 5, 1986; amended at 10 Ill. Reg. 15621, effective September 19, 1986; amended at 10 Ill. Reg. 21860, effective December 12, 1986; amended at 11 Ill. Reg. 2280, effective January 16, 1987; amended at 11 Ill. Reg. 3140, effective January 30, 1987; amended at 11 Ill. Reg. 4682, effective March 6, 1987; amended at 11 Ill. Reg. 5223, effective March 11, 1987; amended at 11 Ill. Reg. 6228, effective March 20, 1987; amended at 11 Ill. Reg. 9927, effective May 15, 1987; amended at 11 Ill. Reg. 12003, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 12432, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 12908, effective July 30, 1987; emergency amendment at 11 Ill. Reg. 12935, effective August 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13625, effective August 1, 1987; amended at 11 Ill. Reg. 14755, effective August 26, 1987; amended at 11 Ill. Reg. 18679, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 18781, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20114, effective December 4, 1987; Sections 112.90 and 112.95 recodified to Sections 112.52 and 112.54 at 11 Ill. Reg. 20610; amended at 11 Ill. Reg. 20889, effective December 14, 1987; amended at 12 Ill. Reg. 844, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1929, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 2126, effective January 12, 1988; SUBPARTS C, D and E recodified to SUBPARTS G, H and I at 12 Ill. Reg. 2136; amended at 12 Ill. Reg. 3487, effective January 22, 1988; amended at 12 Ill. Reg. 6159, effective March 19, 1988; amended at 12 Ill. Reg. 6694, effective March 22, 1988; amended at 12 Ill. Reg. 7336, effective May 1, 1988; amended at 12 Ill. Reg. 7673, effective April 20, 1988; amended at 12 Ill. Reg. 9032, effective May 20, 1988; amended at 12 Ill. Reg. 10481, effective June 13, 1988; amended at 12 Ill. Reg. 14172,

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effective August 30, 1988; amended at 12 Ill. Reg. 14669, effective September 16, 1988; amended at 13 Ill. Reg. 70, effective January 1, 1989; amended at 13 Ill. Reg. 6017, effective April 14, 1989; amended at 13 Ill. Reg. 8567, effective May 22, 1989; amended at 13 Ill. Reg. 16006, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16142, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 14 Ill. Reg. 705, effective January 1, 1990; amended at 14 Ill. Reg. 3170, effective February 13, 1990; amended at 14 Ill. Reg. 3575, effective February 23, 1990; amended at 14 Ill. Reg. 6306, effective April 16, 1990; amended at 14 Ill. Reg. 10379, effective June 20, 1990; amended at 14 Ill. Reg. 13652, effective August 10, 1990; amended at 14 Ill. Reg. 14140, effective August 17, 1990; amended at 14 Ill. Reg. 16937, effective September 30, 1990; emergency amendment at 15 Ill. Reg. 338, effective January 1, 1991, for a maximum of 150 days; emergency amendment at 15 Ill. Reg. 2862, effective February 4, 1991, for a maximum of 150 days; emergency expired July 4, 1991; amended at 15 Ill. Reg. 5275, effective April 1, 1991; amended at 15 Ill. Reg. 5884, effective April 10, 1991; amended at 15 Ill. Reg. 11127, effective July 19, 1991; amended at 15 Ill. Reg. 11447, effective July 25, 1991; amended at 15 Ill. Reg. 14227, effective September 30, 1991; amended at 15 Ill. Reg. 17308, effective November 18, 1991; amended at 16 Ill. Reg. 9972, effective June 15, 1992; amended at 16 Ill. Reg. 11550, effective July 15, 1992; emergency amendment at 16 Ill. Reg. 11652, effective July 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 13629, effective September 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 17724, effective November 9, 1992; amended at 16 Ill. Reg. 20147, effective December 14, 1992; amended at 17 Ill. Reg. 357, effective December 24, 1992; amended at 17 Ill. Reg. 813, effective January 15, 1993; amended at 17 Ill. Reg. 2253, effective February 15, 1993; amended at 17 Ill. Reg. 4312, effective March 25, 1993; emergency amendment at 17 Ill. Reg. 6325, effective April 9, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 6792, effective April 21, 1993; amended at 17 Ill. Reg. 15017, effective September 3, 1993; amended at 17 Ill. Reg. 19156, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 19696, effective November 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 5909, effective March 31, 1994; amended at 18 Ill. Reg. 6994, effective April 27, 1994; amended at 18 Ill. Reg. 8703, effective June 1, 1994; amended at 18 Ill. Reg. 10774, effective June 27, 1994; amended at 18 Ill. Reg. 12805, effective August 5, 1994; amended at 18 Ill. Reg. 15774, effective October 17, 1994; expedited correction at 19 Ill. Reg. 998, effective October 17, 1994; amended at 19 Ill. Reg. 2845, effective February 24, 1995; amended at 19 Ill. Reg. 5609, effective March 31, 1995; amended at 19 Ill. Reg. 7883, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 10206, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 12011, effective August 7, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 12664, effective September 1, 1995; emergency amendment at 19 Ill. Reg. 15244, effective November 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15661, effective November 3, 1995; emergency amendment at 19 Ill. Reg. 15839, effective November 15, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 16295, effective December 1, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 845, effective January



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1, 1996; amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART C: JOB OPPORTUNITIES AND BASIC SKILLS TRAINING (JOBS) PROGRAM

## Section 112.71 Individuals Exempt from JOBS

a) An individual shall be exempt from JOBS participation when that individual:

- 1) Is age 16 or 17 and has received a high school diploma or GED. Teen parents age 16 and 17 are not exempt from JOBS participation due to full-time school attendance if they have not received a high school diploma or GED. As a condition of eligibility for AFDC financial assistance, if not otherwise exempt, the teen parent must participate in Teen Parent Initiative/Youth Parent Services (TPI/YPS). All other provisions of Section 112.83 are applicable. This requirement applies to both teen parents who receive their own grants and those who are included in someone else's grant. This exemption does not apply to parents under age 18 who have not completed high school or the equivalent; is age 16-through-18-in-full-time-elementary-secondary-grades-9-12--or equivalent-vocational/technical-school---attendance-unless-the-child-is-required-to-participate-in-the-youth-employment-and-training-initiative---if-the-individual-loses-this-exemption because-he-or-she-is-no-longer-in-school--the-exemption-is--no longer-applicable-even-if-the-individual-returns-to-school;
- 2) Temporary and Chronic Illness or Injuries
  - A) Temporary Illness and Injuries
    - i) Is temporarily ill or chronically ill. An individual is temporarily ill, when determined by the local office, on the basis of medical evidence (for example, statement from a medical provider) or on another sound basis that the illness or injury is serious enough to temporarily prevent the individual from engaging in employment or participating in JOBS. A sound basis for exemption from JOBS, on a temporary basis, includes but is not limited to: the observation of a cast on a broken leg or the client provides information of a scheduled surgery or recuperation from surgery;
    - ii) Minor ailments and injuries, such as colds, broken fingers or rashes are not serious enough normally to exempt the individual under this criterion;
  - B) An individual is chronically ill or incapacitated, as determined by the local office, when a physician or licensed/certified psychologist finds that a physical or mental impairment, either by itself or in conjunction with age or other factors, prevents the individual from engaging in employment or participating in JOBS. This may include a

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period of recuperation after childbirth if prescribed by a woman's physician;

- C) When an individual is determined either temporarily or chronically ill or incapacitated, the exemption shall continue until further action is taken by the Department. When the exemption is initially granted, the Department will establish a date as to when the condition warranting the exemption is expected to end or when a review of the case will be reevaluated to determine whether the exempted individual continues to be exempt under the same procedures as for the initial determination of exemption, with appropriate notice to the individual that the reevaluation is necessary;
  - 3) Is under age 16 or is age 60 years or older unless the child is required to participate in the Youth Employment and Training Initiative or the pregnant or parenting individual under age 16 is required to participate in the Adolescent Parent Program (see Section 112.73);
  - 4) Resides in an area remote from the JOBS office or service unit so that effective participation in the program is precluded. The individual is considered remote if a round trip of more than two hours by reasonably available public or private transportation, exclusive of time necessary to transport children to and from a child care facility, would be required for a normal work or training day or if an individual has no means of transportation available;
  - 5) Has another household member for whom that individual must provide full-time care;
  - 6) Is the parent or other caretaker relative of a child under age three in the home (other than a minor parent under age 20 without a high school diploma or equivalent who is required to participate in education) who is personally providing care for the child. Only one person in a case may be exempt for this reason;
  - 7) Employment
    - A) Is employed 30 hours or more per week;
    - B) This exemption continues to apply if there is a temporary break in full-time employment expected to last no longer than ten work days;
  - 8) Is in the 4th month of pregnancy or later; or
  - 9) Is a person enrolled full-time as a VISTA volunteer under Title I of the 1973 Domestic Volunteer Services Act (42 USC 4951 et seq.).
- b) Individuals who request an exemption from participation in JOBS shall do so in writing with the assistance of the JOBS worker or other Department staff, if needed, and shall receive a written notice of decision on such request within 45 days. Requests for an exemption may be made at:



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- 1) application for assistance;
  - 2) orientation;
  - 3) assessment;
  - 4) reassessment;
  - 5) AFDC eligibility redeterminations;
  - 6) child request; or
  - 7) whenever information received by the Department indicates the possibility of an exemption.
- c) Exempt individuals may volunteer for JOBS.

(Source: Amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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- 1) Heading of the Part: Medical Payment
- 2) Code Citation: 89 Ill. Adm. Code 140
- 3) Section Number: 140.55  
Proposed Action: New Section
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]

5) Complete Description of the Subjects and Issues Involved: These proposed amendments establish the Recipient Eligibility Verification (REV) System, as required by Public Act 88-554. The REV System will offer on-line Medicaid eligibility and claims history information to providers of medical services who enter into a contract to participate in the REV System. Recipient eligibility information is to be available to providers through contractors who have reached a contractual agreement with the Department. Marketing of the REV System to providers will be the responsibility of such contractors. REV services will be made available through leased lines between the contractors and the State. The projected cost estimate for the REV System, for fiscal year 1996, is approximately \$573,000. All but \$97,000 of this amount will be matchable.

6) Will these proposed amendments replace emergency amendments currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? Yes

<u>Sections</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
140.2	Amendment	October 20, 1995 (19 Ill. Reg. 14530)
140.7	Amendment	August 25, 1995 (19 Ill. Reg. 12210)
140.9	Amendment	August 25, 1995 (19 Ill. Reg. 12210)
140.40	Amendment	October 20, 1995 (19 Ill. Reg. 14530)
140.413	Amendment	October 20, 1995 (19 Ill. Reg. 14530)
140.460	Amendment	October 20, 1995 (19 Ill. Reg. 14530)
140.461	Amendment	October 20, 1995 (19 Ill. Reg. 14530)
140.462	Amendment	October 20, 1995 (19 Ill. Reg. 14530)
140.463	Amendment	October 20, 1995 (19 Ill. Reg. 14530)
140.464	Repeal	October 20, 1995 (19 Ill. Reg. 14530)
140.475	Amendment	November 17, 1995 (19 Ill. Reg. 15581)
140.478	Amendment	November 17, 1995 (19 Ill. Reg. 15581)
140.481	Amendment	November 17, 1995 (19 Ill. Reg. 15581)
140.485	Amendment	October 20, 1995 (19 Ill. Reg. 14530)

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140.523	Amendment	January 19, 1996 (20 Ill. Reg. 1146)
140.570	Amendment	December 22, 1995 (19 Ill. Reg. 16778)
140.642	Amendment	November 27, 1995 (19 Ill. Reg. 15788)
140.920	Amendment	October 20, 1995 (19 Ill. Reg. 14530)
140.922	Amendment	October 20, 1995 (19 Ill. Reg. 14530)
140.924	Amendment	October 20, 1995 (19 Ill. Reg. 14530)
140.926	Repeal	October 20, 1995 (19 Ill. Reg. 14530)
140.928	Repeal	October 20, 1995 (19 Ill. Reg. 14530)
140.930	Amendment	October 20, 1995 (19 Ill. Reg. 14530)
140.932	Repeal	October 20, 1995 (19 Ill. Reg. 14530)
140. Table M	Amendment	October 20, 1995 (19 Ill. Reg. 14530)

- 10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.

- 11) Time, Place, and Manner in which Interested Persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

Joanne Jones  
Bureau of Rules and Regulations  
Illinois Department of Public Aid  
100 South Grand Ave. E., 3rd Floor  
Springfield, Illinois 62762  
Phone: (217) 524-3215

The Department requests the submission of written comments within 30 days after the publication of this notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

These proposed amendments may have an impact on small businesses, small municipalities, and not-for-profit corporations as defined in Sections 1-75, 1-80 and 1-85 of the Illinois Administrative Procedure Act [5 ILCS 100/1-75, 1-80, 1-85]. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/5-30]. These entities shall indicate their status as small businesses, small municipalities, or not-for-profit corporations as part of any written comments they submit to the Department.

- 12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Enrolled providers of medical services who

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execute a contract with a contractor to participate in the Recipient Eligibility Verification (REV) System

- B) Reporting, bookkeeping or other procedures required for compliance:  
None

- C) Types of professional skills necessary for compliance: None

- 13) Regulatory agenda on which this rulemaking was summarized: This rulemaking was inadvertently omitted when the most recent regulatory agenda was published.

The full text of the Proposed Amendments begins on the next page:

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TITLE 89: SOCIAL SERVICES  
CHAPTER I: DEPARTMENT OF PUBLIC AID  
SUBCHAPTER d: MEDICAL PROGRAMS

PART 140  
MEDICAL PAYMENT

## SUBPART A: GENERAL PROVISIONS

Section	
140.1	Incorporation By Reference
140.2	Medical Assistance Programs
EMERGENCY	
140.3	Covered Services Under the Medical Assistance Programs
140.4	Covered Medical Services Under AFDC-MANG for non-pregnant persons who are 18 years of age or older (Repealed)
140.5	Covered Medical Services Under General Assistance
140.6	Medical Services Not Covered
140.7	Medical Assistance Provided to Individuals Under the Age of Eighteen Who Do Not Qualify for AFDC and Children Under Age Eight
140.8	Medical Assistance For Qualified Severely Impaired Individuals
140.9	Medical Assistance for a Pregnant Woman Who Would Not Be Categorically Eligible for AFDC/AFDC-MANG if the Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy
140.10	Medical Assistance Provided to Incarcerated Persons

## SUBPART B: MEDICAL PROVIDER PARTICIPATION

Section	
140.11	Enrollment Conditions for Medical Providers
140.12	Participation Requirements for Medical Providers
140.13	Definitions
140.14	Denial of Application to Participate in the Medical Assistance Program
140.15	Recovery of Money
140.16	Termination or Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
140.17	Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
140.18	Effect of Termination on Individuals Associated with Vendor
140.19	Application to Participate or for Reinstatement Subsequent to Termination, Suspension or Barring
140.20	Submission of Claims
140.21	Covered Medicaid Services for Qualified Medicare Beneficiaries (QMBs)
140.22	Magnetic Tape Billings
140.23	Payment of Claims
140.24	Payment Procedures
140.25	Overpayment or Underpayment of Claims

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Section	
140.26	Payment to Factors Prohibited
140.27	Assignment of Vendor Payments
140.28	Record Requirements for Medical Providers
140.30	Audits
140.31	Emergency Services Audits
140.32	Prohibition on Participation, and Special Permission for Participation
140.33	Publication of List of Terminated, Suspended or Barred Entities
140.35	False Reporting and Other Fraudulent Activities
140.40	Prior Approval for Medical Services or Items
EMERGENCY	
140.41	Prior Approval in Cases of Emergency
140.42	Limitation on Prior Approval
140.43	Post Approval for items or Services When Prior Approval Cannot Be Obtained
140.55	Recipient Eligibility Verification (REV) System
140.71	Reimbursement for Medical Services Through the Use of a C-13 Invoice
140.72	Voucher Advance Payment and Expedited Payments
140.73	Drug Manual (Recodified)
	Drug Manual Updates (Recodified)

## SUBPART C: PROVIDER ASSESSMENTS

Section	
140.80	Hospital Provider Fund
140.82	Developmentally Disabled Care Provider Fund
140.84	Long Term Care Provider Fund
140.94	Medicaid Developmentally Disabled Provider Participation Fee Trust Fund/Medicaid Long Term Care Provider Participation Fee Trust Fund
140.95	Hospital Services Trust Fund
140.96	General Requirements (Recodified)
140.97	Special Requirements (Recodified)
140.98	Covered Hospital Services (Recodified)
140.99	Hospital Services Not Covered (Recodified)
140.100	Limitation On Hospital Services (Recodified)
140.101	Transplants (Recodified)
140.102	Heart Transplants (Recodified)
140.103	Liver Transplants (Recodified)
140.104	Bone Marrow Transplants (Recodified)
140.110	Disproportionate Share Hospital Adjustments (Recodified)
140.116	Payment for Inpatient Services for GA (Recodified)
140.117	Hospital Outpatient and Clinic Services (Recodified)
140.200	Payment for Hospital Services During Fiscal Year 1982 (Recodified)
140.201	Payment for Hospital Services After June 30, 1982 (Repealed)
140.202	Payment for Hospital Services During Fiscal Year 1983 (Recodified)
140.203	Limits on Length of Stay by Diagnosis (Recodified)
140.300	Payment for Pre-Operative Days and Services Which Can Be Performed in an Outpatient Setting (Recodified)



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140.350	Copayments (Recodified)
140.360	Payment Methodology (Recodified)
140.361	Non-Participating Hospitals (Recodified)
140.362	pre July 1, 1989 Services (Recodified)
140.363	Post June 30, 1989 Services (Recodified)
140.364	Prepayment Review (Recodified)
140.365	Base Year Costs (Recodified)
140.366	Restructuring Adjustment (Recodified)
140.367	Inflation Adjustment (Recodified)
140.368	Volume Adjustment (Repealed)
140.369	Groupings (Recodified)
140.370	Rate Calculation (Recodified)
140.371	Payment (Recodified)
140.372	Review Procedure (Recodified)
140.373	Utilization (Repealed)
140.374	Alternatives (Recodified)
140.375	Exemptions (Recodified)
140.376	Utilization, Case-Mix and Discretionary Funds (Repealed)
140.390	Subacute Alcoholism and Substance Abuse Services (Recodified)
140.391	Definitions (Recodified)
140.392	Types of Subacute Alcoholism and Substance Abuse Services (Recodified)
140.394	Payment for Subacute Alcoholism and Substance Abuse Services (Recodified)
140.396	Rate Appeals for Subacute Alcoholism and Substance Abuse Services (Recodified)
140.398	Hearings (Recodified)
SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES	
Section	
140.400	Payment to Practitioners, Nurses and Laboratories
140.410	Physicians' Services
140.411	Covered Services By Physicians
140.412	Services Not Covered By Physicians
140.413	Limitation on Physician Services
EMERGENCY	
140.414	Requirements for Prescriptions and Dispensing of Pharmacy Items - Physicians
140.416	Optometric Services and Materials
140.417	Limitations on Optometric Services
140.418	Department of Corrections Laboratory
140.420	Dental Services
140.421	Limitations on Dental Services
140.422	Requirements for Prescriptions and Dispensing Items of Pharmacy Items - Dentists
140.425	Podiatry Services
140.426	Limitations on Podiatry Services

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140.427	Requirement for Prescriptions and Dispensing of Pharmacy Items - Podiatry
140.428	Chiropractic Services
140.429	Limitations on Chiropractic Services (Repealed)
140.430	Independent Laboratory Services
140.431	Services Not Covered by Independent Laboratory
140.432	Limitations on Independent Laboratory Services
140.433	Payment for Laboratory Services
140.434	Record Requirements for Independent Laboratories
140.435	Nurse Services
140.436	Limitations on Nurse Services
140.440	Pharmacy Services
140.441	Pharmacy Services Not Covered
140.442	Prior Approval of Prescriptions
140.443	Filling of Prescriptions
140.444	Compounded Prescriptions
140.445	Legend Prescription Items (Not Compounded)
140.446	Over-the-Counter Items
140.447	Reimbursement
140.448	Returned Pharmacy Items
140.449	Payment of Pharmacy Items
140.450	Record Requirements for Pharmacies
140.452	Mental Health Clinic Services
140.453	Definitions
140.454	Types of Mental Health Clinic Services
140.455	Payment for Mental Health Clinic Services
140.456	Hearings
140.457	Therapy Services
140.458	Prior Approval for Therapy Services
140.459	Payment for Therapy Services
140.460	Clinic Services
EMERGENCY	
140.461	Clinic Participation, Data and Certification Requirements
EMERGENCY	
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AUTHORITY: Implementing Article III of the Illinois Health Finance Reform Act [20 ILCS 2215/Art. III] and implementing and authorized by Articles III, IV, V, VI and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V, VI and 12-13].

SOURCE: Adopted at 3 Ill. Reg. 24, p. 166, effective June 10, 1979; rule repealed and new rule adopted at 6 Ill. Reg. 8374, effective July 6, 1982; emergency amendment at 6 Ill. Reg. 8508, effective July 6, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 681, effective December 30, 1982; amended at 7 Ill. Reg. 7956, effective July 1, 1983; amended at 7 Ill. Reg. 8308, effective July 1, 1983; amended at 7 Ill. Reg. 8271, effective July 5, 1983; emergency amendment at 7 Ill. Reg. 8354, effective July 5, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 8540, effective July 15, 1983; amended at 7 Ill. Reg. 9382, effective July 22, 1983; amended at 7 Ill. Reg. 12868, effective September 20, 1983; peremptory amendment at 7 Ill. Reg. 15047, effective October 31, 1983; amended at 7 Ill. Reg. 17358, effective December 21, 1983; amended at 8 Ill. Reg. 254, effective December 21, 1983; emergency amendment at 8 Ill. Reg. 580, effective January 1, 1984, for a maximum of 150 days; codified at 8 Ill. Reg. 2483; amended at 8 Ill. Reg. 3012, effective February 22, 1984; amended at 8 Ill. Reg. 5262, effective April 9, 1984; amended at 8 Ill. Reg. 6785, effective April 27, 1984; amended at 8 Ill. Reg. 6983, effective May 9, 1984; amended at 8 Ill. Reg. 7258, effective May 16, 1984; emergency amendment at 8 Ill. Reg. 7910, effective May 22, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7910, effective June 1, 1984; amended at 8 Ill. Reg. 10032, effective June 18, 1984; emergency amendment at 8 Ill. Reg. 10062, effective June 20, 1984, for a maximum of 150 days; amended at

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8 Ill. Reg. 13343, effective July 17, 1984; amended at 8 Ill. Reg. 13779, effective July 24, 1984; Sections 140.72 and 140.73 recodified to 89 Ill. Adm. Code 141 at 8 Ill. Reg. 16354; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17899; peremptory amendment at 8 Ill. Reg. 18151, effective September 18, 1984; amended at 8 Ill. Reg. 21629, effective October 19, 1984; peremptory amendment at 8 Ill. Reg. 21677, effective October 24, 1984; amended at 8 Ill. Reg. 22097, effective October 24, 1984; peremptory amendment at 8 Ill. Reg. 22155, effective October 29, 1984; amended at 8 Ill. Reg. 23218, effective November 20, 1984; emergency amendment at 8 Ill. Reg. 23721, effective November 21, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 25067, effective December 19, 1984; emergency amendment at 9 Ill. Reg. 407, effective January 1, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 2697, effective February 22, 1985; amended at 9 Ill. Reg. 6235, effective April 19, 1985; amended at 9 Ill. Reg. 8677, effective May 28, 1985; amended at 9 Ill. Reg. 9564, effective June 5, 1985; amended at 9 Ill. Reg. 10025, effective June 26, 1985; emergency amendment at 9 Ill. Reg. 11403, effective June 27, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11357, effective June 28, 1985; amended at 9 Ill. Reg. 12000, effective July 24, 1985; amended at 9 Ill. Reg. 12306, effective August 5, 1985; amended at 9 Ill. Reg. 13998, effective September 3, 1985; amended at 9 Ill. Reg. 14684, effective September 13, 1985; amended at 9 Ill. Reg. 15503, effective October 4, 1985; amended at 9 Ill. Reg. 16312, effective October 11, 1985; amended at 9 Ill. Reg. 19138, effective December 2, 1985; amended at 9 Ill. Reg. 19737, effective December 9, 1985; amended at 10 Ill. Reg. 238, effective December 27, 1985; emergency amendment at 10 Ill. Reg. 798, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 672, effective January 6, 1986; amended at 10 Ill. Reg. 1206, effective January 13, 1986; amended at 10 Ill. Reg. 3041, effective January 24, 1986; amended at 10 Ill. Reg. 6981, effective April 16, 1986; amended at 10 Ill. Reg. 7825, effective April 30, 1986; amended at 10 Ill. Reg. 8128, effective May 7, 1986; emergency amendment at 10 Ill. Reg. 8912, effective May 13, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 11440, effective June 20, 1986; amended at 10 Ill. Reg. 14714, effective August 27, 1986; amended at 10 Ill. Reg. 15211, effective September 12, 1986; emergency amendment at 10 Ill. Reg. 16729, effective September 18, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 18808, effective October 24, 1986; amended at 10 Ill. Reg. 19742, effective November 12, 1986; amended at 10 Ill. Reg. 21784, effective December 15, 1986; amended at 11 Ill. Reg. 698, effective December 19, 1986; amended at 11 Ill. Reg. 1418, effective December 31, 1986; amended at 11 Ill. Reg. 2323, effective January 16, 1987; amended at 11 Ill. Reg. 4002, effective February 25, 1987; Section 140.71 recodified to 89 Ill. Adm. Code 141 at 11 Ill. Reg. 4302; amended at 11 Ill. Reg. 4303, effective March 6, 1987; amended at 11 Ill. Reg. 7664, effective April 15, 1987; emergency amendment at 11 Ill. Reg. 9342, effective April 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9169, effective April 28, 1987; amended at 11 Ill. Reg. 10903, effective June 1, 1987; amended at 11 Ill. Reg. 11528, effective June 22, 1987; amended at 11 Ill. Reg. 12011, effective June 30, 1987; amended at 11 Ill. Reg. 12290, effective July 6, 1987; amended at 11 Ill. Reg. 14048, effective August 14,

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1987; amended at 11 Ill. Reg. 14771, effective August 25, 1987; amended at 11 Ill. Reg. 16758, effective September 28, 1987; amended at 11 Ill. Reg. 17295, effective September 30, 1987; amended at 11 Ill. Reg. 18696, effective October 27, 1987; amended at 11 Ill. Reg. 20909, effective December 14, 1987; amended at 12 Ill. Reg. 916, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1960, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 5427, effective March 15, 1988; amended at 12 Ill. Reg. 6246, effective March 16, 1988; amended at 12 Ill. Reg. 6728, effective March 22, 1988; Sections 140.900 thru 140.912 and 140.912 and 140.912 Table I reclassified to 89 Ill. Adm. Code 147.5 thru 147.205 and 147.205 and 147.205 Table B at 12 Ill. Reg. 6956; amended at 12 Ill. Reg. 6927, effective April 5, 1988; Sections 140.940 thru 140.972 reclassified to 89 Ill. Adm. Code 149.5 thru 149.325 at 12 Ill. Reg. 7401; amended at 12 Ill. Reg. 7695, effective April 21, 1988; amended at 12 Ill. Reg. 10497, effective June 3, 1988; amended at 12 Ill. Reg. 10717, effective June 14, 1988; emergency amendment at 12 Ill. Reg. 11868, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12509, effective July 15, 1988; amended at 12 Ill. Reg. 14271, effective August 29, 1988; emergency amendment at 12 Ill. Reg. 16921, effective September 28, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16738, effective October 5, 1988; amended at 12 Ill. Reg. 17879, effective October 24, 1988; amended at 12 Ill. Reg. 18198, effective November 4, 1988; amended at 12 Ill. Reg. 19396, effective November 6, 1988; amended at 12 Ill. Reg. 19734, effective November 15, 1988; amended at 13 Ill. Reg. 125, effective January 1, 1989; amended at 13 Ill. Reg. 2475, effective February 14, 1989; amended at 13 Ill. Reg. 3069, effective February 28, 1989; amended at 13 Ill. Reg. 3351, effective March 6, 1989; amended at 13 Ill. Reg. 3917, effective March 17, 1989; amended at 13 Ill. Reg. 5115, effective April 3, 1989; amended at 13 Ill. Reg. 5718, effective April 10, 1989; amended at 13 Ill. Reg. 7025, effective April 24, 1989; Sections 140.850 thru 140.896 reclassified to 89 Ill. Adm. Code 146.5 thru 146.225 at 13 Ill. Reg. 7040; amended at 13 Ill. Reg. 7786, effective May 20, 1989; Sections 140.94 thru 140.998 reclassified to 89 Ill. Adm. Code 148.10 thru 148.390 at 13 Ill. Reg. 9572; emergency amendment at 13 Ill. Reg. 10977, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 11516, effective July 3, 1989; amended at 13 Ill. Reg. 12119, effective July 7, 1989; Section 140.110 reclassified to 89 Ill. Adm. Code 148.120 at 13 Ill. Reg. 12118; amended at 13 Ill. Reg. 12562, effective July 17, 1989; amended at 13 Ill. Reg. 14391, effective August 31, 1989; emergency amendment at 13 Ill. Reg. 15473, effective September 12, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16992, effective October 16, 1989; amended at 14 Ill. Reg. 190, effective December 21, 1989; amended at 14 Ill. Reg. 2564, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 3241, effective February 14, 1990, for a maximum of 150 days; emergency expired July 14, 1990; amended at 14 Ill. Reg. 4543, effective March 12, 1990; emergency amendment at 14 Ill. Reg. 4577, effective March 6, 1990, for a maximum of 150 days; emergency expired August 3, 1990; emergency amendment at 14 Ill. Reg. 5575, effective April 1, 1990, for a maximum of 150 days; emergency expired August 29, 1990; emergency amendment at 14 Ill. Reg. 5865, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg.

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7141, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 10062, effective June 12, 1990; amended at 14 Ill. Reg. 10409, effective June 19, 1990; emergency amendment at 14 Ill. Reg. 12082, effective July 5, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 13262, effective August 6, 1990; emergency amendment at 14 Ill. Reg. 14184, effective August 16, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 14570, effective August 22, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14826, effective August 31, 1990; amended at 14 Ill. Reg. 15366, effective September 12, 1990; amended at 14 Ill. Reg. 15981, effective September 21, 1990; amended at 14 Ill. Reg. 17279, effective October 12, 1990; amended at 14 Ill. Reg. 18057, effective October 22, 1990; amended at 14 Ill. Reg. 18508, effective October 30, 1990; amended at 14 Ill. Reg. 18813, effective November 6, 1990; amended at 14 Ill. Reg. 20478, effective December 7, 1990; amended at 14 Ill. Reg. 20729, effective December 12, 1990; amended at 15 Ill. Reg. 298, effective December 28, 1990; emergency amendment at 15 Ill. Reg. 592, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 1051, effective January 18, 1991; Section 140.569 withdrawn at 15 Ill. Reg. 1174; amended at 15 Ill. Reg. 6220, effective April 18, 1991; amended at 15 Ill. Reg. 6534, effective April 30, 1991; amended at 15 Ill. Reg. 8264, effective May 23, 1991; amended at 15 Ill. Reg. 8972, effective June 17, 1991; amended at 15 Ill. Reg. 10114, effective June 21, 1991; amended at 15 Ill. Reg. 10468, effective July 1, 1991; amended at 15 Ill. Reg. 11176, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 11515, effective July 25, 1991, for a maximum of 150 days; emergency expired December 22, 1991; emergency amendment at 15 Ill. Reg. 12919, effective August 15, 1991, for a maximum of 150 days; emergency expired January 12, 1992; emergency amendment at 15 Ill. Reg. 16366, effective October 22, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 17318, effective November 18, 1991; amended at 15 Ill. Reg. 17733, effective November 22, 1991; emergency amendment at 16 Ill. Reg. 300, effective December 20, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 174, effective December 24, 1991; amended at 16 Ill. Reg. 1877, effective January 24, 1992; amended at 16 Ill. Reg. 3552, effective February 28, 1992; amended at 16 Ill. Reg. 4006, effective March 6, 1992; amended at 16 Ill. Reg. 6408, effective March 20, 1992; amended at 16 Ill. Reg. 6849, effective April 7, 1992; amended at 16 Ill. Reg. 7017, effective April 17, 1992; amended at 16 Ill. Reg. 10050, effective June 5, 1992; amended at 16 Ill. Reg. 11174, effective June 26, 1992; expedited correction at 16 Ill. Reg. 11348, effective March 20, 1992; emergency amendment at 16 Ill. Reg. 11947, effective July 10, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 12186, effective July 24, 1992; emergency amendment at 16 Ill. Reg. 13337, effective August 14, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 15109, effective September 21, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 15561, effective September 30, 1992; amended at 16 Ill. Reg. 17302, effective November 2, 1992; emergency amendment at 16 Ill. Reg. 18097, effective November 17, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19146, effective December 1, 1992; amended at 16 Ill. Reg. 19879, effective December 7, 1992; amended at 17 Ill. Reg. 837,



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effective January 11, 1993; amended at 17 Ill. Reg. 1112, effective January 15, 1993; amended at 17 Ill. Reg. 2290, effective February 15, 1993; amended at 17 Ill. Reg. 2951, effective February 17, 1993; amended at 17 Ill. Reg. 3421, effective February 19, 1993; amended at 17 Ill. Reg. 6196, effective April 5, 1993; amended at 17 Ill. Reg. 6839, effective April 21, 1993; amended at 17 Ill. Reg. 7004, effective May 17, 1993; expedited correction at 17 Ill. Reg. 7078, effective December 1, 1992; emergency amendment at 17 Ill. Reg. 11201, effective July 1, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 15162, effective September 2, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 18152, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 18571, effective October 8, 1993; emergency amendment at 17 Ill. Reg. 18611, effective October 1, 1993, for a maximum of 150 days; emergency amendment suspended effective October 12, 1993; amended at 17 Ill. Reg. 20999, effective November 24, 1993; emergency amendment repealed at 17 Ill. Reg. 22583, effective December 20, 1993; amended at 18 Ill. Reg. 3620, effective February 28, 1994; amended at 18 Ill. Reg. 4250, effective March 4, 1994; amended at 18 Ill. Reg. 5951, effective April 1, 1994; emergency amendment at 18 Ill. Reg. 10922, effective July 1, 1994, for a maximum of 150 days; emergency amendment suspended, effective November 15, 1994; emergency amendment repealed at 19 Ill. Reg. 5839, effective April 4, 1995; amended at 18 Ill. Reg. 11244, effective July 1, 1994; amended at 18 Ill. Reg. 14126, effective August 29, 1994; amended at 18 Ill. Reg. 16675, effective November 1, 1994; amended at 18 Ill. Reg. 18059, effective December 19, 1994; amended at 19 Ill. Reg. 1082, effective January 20, 1995; amended at 19 Ill. Reg. 2933, effective March 1, 1995; emergency amendment at 19 Ill. Reg. 3529, effective March 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 5663, effective April 1, 1995; amended at 19 Ill. Reg. 7919, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 8455, effective June 9, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 9297, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 10252, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13019, effective September 5, 1995; amended at 19 Ill. Reg. 14440, effective September 29, 1995; emergency amendment at 19 Ill. Reg. 14833, effective October 6, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15441, effective October 26, 1995; amended at 19 Ill. Reg. 15692, effective November 6, 1995; amended at 19 Ill. Reg. 16677, effective November 28, 1995; amended at 20 Ill. Reg. 1210, effective December 29, 1995; amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART B: MEDICAL PROVIDER PARTICIPATION

## Section 140.55 Recipient Eligibility Verification (REV) System

## a) REV System Description

The REV system was created under Public Act 88-554 and offers on-line Medicaid eligibility information and claims history information to subscribers. This information is provided to subscribers through

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contractors who have entered into a contract with the Department. The contractors are responsible for marketing the system to providers. Services will be made available through leased lines between the contractors and the State. Upon availability of REV contractors in a geographic area, only contractors and subscribers participating in the REV system are authorized to access information provided through the REV system.

## b) Definitions

As used in this Section, unless the context requires otherwise:

- 1) Contractors are those entities having successfully completed the Request for Proposal (RFP) process and executed a contract with the Department to provide services under the REV system.
- 2) Providers are providers of medical services who are enrolled with the Department to render services under the Medicaid program.
- 3) Subscribers are medical providers who are enrolled in the Medicaid program or are the provider's agent and who execute a contract with a contractor to participate in the REV system.

## c) Eligible Contractors

In order to be qualified to participate in the system, the contractor must:

- 1) Submit a proposal acceptable to the Department and execute a contract with the Department. Under this contract, the contractor must agree to execute a written contract with each subscriber prior to any exchange of data with that subscriber and only after the contractor has received prior approval from the State of the model subscriber contract language.
- 2) By the end of the first 12 months of the contract, handle a minimum number of subscribers or transactions per month as determined by the Department.
- 3) Agree to access data through one or more high speed data transmission circuits as determined by the Department to be compatible with current technology and operating needs;
- 4) Treat all information, including information relating to recipients and providers obtained by the contractor through performance while under the contract with the Department, as confidential information pursuant to the Public Aid Code; provide data through a system designed to be flexible to meet each subscriber's needs as well as meeting the following specific requirements:
  - A) Support various means of telecommunication that are commonly available for use by the subscriber; and
  - B) Be compatible with the State of Illinois Department of Central Management Services' current telecommunications operating environment;
- 6) Certify that it is neither an individual nor an organization that:
  - A) Furnishes statements or bills and receives payment in the name of the providers; or



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- B) Advances money to a provider for accounts receivable that the provider has assigned, sold or transferred to the individual or organization for an added fee or a deduction of the portion of the accounts receivable.

## d) Subscriber Contracts

The contractor must agree that all contracts with subscribers provide that:

- 1) Access to the system shall be restricted to the sole purpose of verification of medical assistance eligibility and providing claims history information where a subscriber is requesting payment information for medical services rendered to a recipient. The subscriber indemnifies and holds harmless the State, its agents and employees from any and all claims by such subscriber or any recipient who is aggrieved by the actions of any party under the contract;
  - 2) The subscriber is an enrolled Medicaid provider or the provider's agent;
  - 3) The fees charged to subscribers must be reasonable;
  - 4) Any other third party may be granted access to the system only with prior approval of the State;
  - 5) All information, including information relating to recipients and providers obtained by the subscriber through performance under contract with the contractor, is treated as confidential information pursuant to the Public Aid Code; and
  - 6) The subscriber certifies that neither it, nor any employees, partners, officers or shareholders of the subscriber, are currently barred, suspended or terminated from participation in the Medicaid or Medicare programs, nor are any of the above currently under sanction for, or serving a sentence for, conviction of any Medicaid or Medicare program offenses.
- e) Charges for System Services
- 1) Charges to contractors will be established in the contract between the contractor and the Department.
  - 2) Charges to the subscribers are made in accordance with the fee schedule and provisions specified in the contractor's and subscriber's contract.
- f) Required Subscriber Information
- The following recipient information must be made available to the subscriber:
- 1) Medicaid eligibility status for service date(s);
  - 2) Date of Birth;
  - 3) Medicare eligibility;
  - 4) HMO enrollment data;
  - 5) Recipient restriction status;
  - 6) Spend-down status;
  - 7) Recipient claims history information; and
  - 8) Third Party Liability (TPL) Information, including:
    - A) Carrier name and address;

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

- B) Coverage types;
- C) Policyholder name and address;
- D) Policy number;
- E) Group Number;
- F) Coverage date; and
- G) Coverage Termination date.

(Source: Added at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED REPEALER

1) Heading of the Part: Special Purse and Reward Fund

2) Code Citation: 11 Ill. Adm. Code 410

3) Section Numbers: Proposed Action:

410.20	Repeal
410.30	Repeal
410.40	Repeal
410.50	Repeal
410.60	Repeal

4) Statutory Authority: 230 ILCS 5

5) A complete description of the subjects and issues involved: This rulemaking repeals the provisions for the Special Purse and Reward Fund which was abolished by Public Act 89-0016.

6) Will these proposed repealer replace emergency amendments currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed repealer contain incorporation by reference? No

9) Are there any other proposed amendments pending in this Part? No

10) Statement of Statewide Policy Objectives: No local governmental units will be required to increase expenditures.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments should be submitted, within 45 days of this notice, to:

Gina DiCaro  
Illinois Racing Board  
Legal Department  
100 West Randolph, Ste. 11-100  
Chicago, IL 60601  
(312) 814-2600

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: January 10, 1996

B) Types of small business affected: None

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED REPEALER

C) Reporting, bookkeeping or other procedures required for compliance: None

D) Types of professional skills necessary for compliance: None

13) Which regulatory agenda was this rulemaking published in? January 1996

The full text of the proposed repealer begins on the next page:

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED REPEALER

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY

SUBTITLE B: HORSE RACING

CHAPTER I: ILLINOIS RACING BOARD

SUBCHAPTER b: RULES APPLICABLE TO ORGANIZATION LICENSEES

## PART 410

SPECIAL PURSE AND REWARD FUND (REPEALED)

## Section

410.10 Statutory Reference

410.20 Separate Account

410.30 Advise Board Prior to Opening of Meet

410.40 Increases

410.50 Decreases

410.60 Program Notice

AUTHORITY: Implementing and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 (230 ILCS 5/9(b)).

SOURCE: Adopted at 3 Ill. Reg. 30, p. 390, effective July 27, 1979; codified at 5 Ill. Reg. 10895; repealed at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 410.10 Statutory Reference

The Special Purse and Reward Fund is that fund created by Section 37-29(b) of the Illinois Horse Racing Act of 1975, Ill. Rev. Stat., Chapter 8, Section 37-29(b), as now or hereinafter amended. Consistent with this statutory provision, each organization licensee shall endeavor to allocate equal amounts for each race, other than stakes races throughout the entire meeting.

## Section 410.20 Separate Account

The Special Purse and Reward Fund Account of each organization licensee shall be maintained in a general ledger account, separate and distinct from all other accounts of said licensee. The records of said account shall be available for audit and inspection by the Board.

## Section 410.30 Advise Board Prior to Opening of Meet

No later than 15 days prior to the opening of a race meeting, each organization licensee shall advise the Secretary of the Board in writing of the amount it intends to expend, per race, from the Special Purse and Reward Fund.

## Section 410.40 Increases

The organization licensee shall advise the Secretary of the Board in writing within 48 hours after any increase in the amount so expended from the Special

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED REPEALER

Purse and Reward Fund Account.

## Section 410.50 Decreases

No decrease in the amount expended shall be permitted, after the commencement of a meet, without written permission of the Secretary of the Board. In reviewing a request for a decrease the Secretary shall consider the above-cited statutory provision, the balance in the Special Purse and Reward Fund Account, and the estimated handle for the remainder of the meeting.

## Section 410.60 Program Notice

The amount expended per race from the Special Purse and Reward Fund shall be published in each day's racing program.



## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Income Tax

2) Code Citation: 86 Ill. Adm. Code 100

3) Section Numbers: Proposed Action:  
100.9020 New Section

4) Statutory Authority: 20 ILCS 2505/39b52

5) A Complete Description of the Subjects and Issues Involved: P.A. 89-6 provides that effective January 1, 1996, the Department of Revenue has been given the responsibility of collecting certain child support arrearages certified to the Department of Revenue by the Illinois Department of Public Aid. Since the adoption of P.A. 89-6, the Department of Revenue has worked closely with the Department of Public Aid to develop necessary procedures and standards for implementation of this program. The General Assembly recognized the degree of coordination and the amount of time necessary to effect that coordination. As a result, in Section 15 of P.A. 89-6 new Section 39b52 of the Civil Administrative Code of Illinois provides that the Department has the authority to implement the child support collection program through the use of emergency rules.

6) Will this rulemaking replace any emergency rulemaking currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed rulemakings pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
100.9720	New Section	April 28, 1995, 19 Ill. Reg. 6135
100.9710	New Section	September 15, 1995, 19 Ill. Reg. 12966

10) Statement of Statewide Policy Objectives: This rulemaking does not create a State Mandate, nor does it modify any existing State Mandates.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rule may submit them in writing by no later than 45 days after publication of this notice to:

Keith Staats  
Associate Chief Counsel (Income Tax)  
Illinois Department of Revenue

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENT

Legal Services Bureau  
101 West Jefferson  
Springfield, IL 62708  
(217) 782-7055

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None.

B) Reporting, bookkeeping or other procedures required for compliance: No new reporting, bookkeeping or other procedures are required.

C) Types of professional skills necessary for compliance: None.

13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: It was unanticipated at the time of the Regulatory Agenda.

The full text of the proposed amendment if identical to the text of the emergency amendment appear in this Register on page 1618.

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Procedures and Standards

2) Code Citation: 92 Ill. Adm. Code 1001

3) <u>Section Numbers:</u>	<u>Adopted Action:</u>
1001.700	New Section
1001.710	New Section
1001.720	New Section
1001.730	New Section
1001.740	New Section
1001.750	New Section
1001.760	New Section
1001.770	New Section
1001.780	New Section
1001.785	New Section
1001.790	New Section
1001.795	New Section

4) Statutory Authority: Authorized by the Motor Vehicle Franchise Act, 815 ILCS 710/17, 18, 22.

5) A Complete Description of the Subjects and Issues Involved: These rules set forth how the Motor Vehicle Review Board is to be organized and how it will function, as well as the hearing procedures to be followed upon receipt of notices of protest from complaining dealers against manufacturers/distributors.

6) Will this proposed rule replace an emergency rule currently in effect? Yes

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other proposed amendments to this Part pending? No

10) Statement of Statewide Policy Objectives: These proposed amendments will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on these proposed amendments may submit written comments no later than 45 days after the publication of this Notice to:

Jay L. Mesi, Senior Legal Advisor  
Department of Administrative Hearings

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

200 Howlett Building  
Springfield, Illinois 62756  
(217) 785-8237

12) Initial Regulatory Flexibility Analysis: The Office has determined that these amendments will not affect small businesses.

13) Regulatory Agenda on which this rulemaking was summarized: January 1996 July 1995

The full text of the Proposed Amendment is identical to the text of the emergency amendment appearing in this Register on page 1628.

## DEPARTMENT ON AGING

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Community Care Program
- 2) Code Citation: 89 Ill. Adm. Code 240
- 3) Section Numbers: Adopted Action:  
240.715 Amendment
- 4) Statutory Authority: 20 ILCS 105/4.01 (11) and 5.02.
- 5) Effective Date of Amendment(s): January 10, 1996
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? Yes
- 8) Date Filed in Agency's Principal Office: January 10, 1996
- 9) Notice of Proposal Published in Illinois Register: September 8, 1995; 19 Ill. Reg. 12563
- 10) Has JCAR issued a Statement of Objections to this amendment(s)? No
- 11) Difference(s) between proposal and final version: No change was made as result of public comment. Only a minor editorial change was made in response to staff comment.
- 12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this amendment replace an emergency amendment currently in effect? Yes
- 14) Are there any proposed amendments pending on this Part? No
- 15) Summary and Purpose of Amendment(s): This rulemaking is in response to the Edgar v. Wright and Lindley, 92-CH-07165, Settlement Agreement entered into on July 26, 1995 in the Circuit Court of Cook County, Illinois. Plaintiffs challenged the Department's assessment process alleging that the Determination of Need (DON), utilized by the Department to ascertain the level of in-home care a person requires, fails to adequately consider an applicant's mental impairments.
- In order to fulfill the Agreement reached between the plaintiffs and the Department, the Department is amending the assessment process to revise the method of scoring on the DON for the Community Care Program applicants/clients who meet selected criteria.
- 16) Information and questions regarding this adopted amendment shall be

## DEPARTMENT ON AGING

## NOTICE OF ADOPTED AMENDMENTS

directed to:

Ms. Pamela W. Balmer, Assistant  
Office of General Counsel  
Illinois Department on Aging  
421 East Capitol Avenue #100  
Springfield, Illinois 62701-1789  
(217) 785-3346

The full text of the Adopted Amendment(s) begins on the next page:



## DEPARTMENT ON AGING

## NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES  
CHAPTER II: DEPARTMENT ON AGING

## PART 240

## COMMUNITY CARE PROGRAM

## SUBPART A: GENERAL PROGRAM PROVISIONS

Section	
240.100	Community Care Program
240.110	Department Prerogative
240.120	Services Provided
240.130	Maintenance of Effort
240.140	Program Limitations
240.150	Completed Applications Prior to August 1, 1982 (Repealed)
240.160	Definitions

## SUBPART B: SERVICE DEFINITIONS

Section	
240.210	Homemaker Service
240.220	Chore-Housekeeping Service (Repealed)
240.230	Adult Day Care Service
240.240	Information and Referral
240.250	Demonstration/Research Projects
240.260	Case Management Service
240.270	Alternative Provider
240.280	Individual Provider

## SUBPART C: RIGHTS AND RESPONSIBILITIES

Section	
240.300	Applicant/Client Rights and Responsibilities
240.310	Right to Apply
240.320	Nondiscrimination
240.330	Freedom of Choice
240.340	Confidentiality/Safeguarding of Case Information
240.350	Applicant/Client/Authorized Representative Cooperation
240.360	Reporting Changes
240.370	Voluntary Repayment

## SUBPART D: APPEALS

Section	
240.400	Appeals and Fair Hearings
240.405	Representation
240.410	When the Appeal May Be Filed
240.415	What May Be Appealed

## DEPARTMENT ON AGING

## NOTICE OF ADOPTED AMENDMENTS

240.420	Group Appeals
240.425	Informal Review
240.430	Informal Review Findings
240.435	Withdrawing an Appeal
240.440	Examining Department Records
240.445	Hearing Officer
240.450	The Hearing
240.451	Conduct of Hearing
240.455	Continuance of the Hearing
240.460	Postponement
240.465	Dismissal Due to Non-Appeal
240.470	Rescheduling the Appeal Hearing
240.475	Recommendations of Hearing Officer
240.480	The Appeal Decision
240.485	Reviewing the Official Report of the Hearing

## SUBPART E: APPLICATION

Section	
240.510	Application for Community Care Program
240.520	Who May Make Application
240.530	Date of Application
240.540	Statement to be Included on Application

## SUBPART F: ELIGIBILITY

Section	
240.600	Eligibility Requirements
240.610	Establishing Eligibility
240.620	Home Visit
240.630	Determination of Eligibility
240.640	Eligibility Decision
240.650	Continuous Eligibility
240.655	Frequency of Redeterminations
240.660	Extension of Time Limit

## SUBPART G: NON-FINANCIAL REQUIREMENTS

Section	
240.710	Age
240.715	Determination of Need
240.720	Clients Prior to Effective Date of this Section (Repealed)
240.725	Clients After Effective Date of this Section (Repealed)
240.726	Emergency Budget Act Reduction (Repealed)
240.727	Minimum Score Requirements
240.728	Maximum Payment Levels for Service
240.729	Maximum Payment Levels for Adult Day Care Service
240.730	Plan of Care

## DEPARTMENT ON AGING

## NOTICE OF ADOPTED AMENDMENTS

240.735  
240.740  
240.750  
240.755  
250.760

Supplemental Information  
Assessment of Need  
Citizenship  
Residence  
Furnishing of Social Security Number

## SUBPART H: FINANCIAL REQUIREMENTS

Section  
240.800  
240.810  
240.815  
240.820  
240.825  
240.830  
240.835  
240.840  
240.845  
240.850  
240.855  
240.860  
240.865  
240.870  
240.875

Financial Factors  
Assets  
Exempt Assets  
Asset Transfers  
Income  
Unearned Income Exemptions  
Earned Income  
Potential Retirement, Disability and Other Benefits  
Family  
Monthly Average Income  
Applicant/Client Expense for Care  
Change in Income  
Application For Medical Assistance (Medicaid)  
Determination of Applicant/Client Monthly Expense for Care  
Client Responsibility

## SUBPART I: DISPOSITION OF DETERMINATION

Section  
240.905

Prohibition of Institutionalized Individuals From Receiving Community

240.910  
240.915  
240.920  
240.925  
240.930  
240.935  
240.940  
240.945  
240.950  
240.955

Care Program Services  
Written Notification  
Service Provision  
Reasons for Denial  
Frequency of Redeterminations (Renumbered)  
Suspension of Services  
Discontinuance of Services to Clients  
Penalty Payments  
Notification  
Reasons for Termination  
Reasons for Reduction or Change

## SUBPART J: SPECIAL SERVICES

Section  
240.1010  
240.1020  
240.1040  
240.1050

Nursing Home Prescreening  
Interim Services  
Intense Service Provision  
Temporary Service Increase

## DEPARTMENT ON AGING

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## SUBPART K: TRANSFERS

Section  
240.1110

Individual Transfer Request - Vendor to Vendor - No Change in Service

240.1120

Individual Transfer Request - Vendor to Vendor - With Change in Service

240.1130

Individual Transfers - Case Coordination Unit to Case Coordination Unit

240.1140

Transfer of Pending Applications

240.1150

Interagency Transfers

240.1160

Temporary Transfers - Case Coordination Unit to Case Coordination Unit

240.1170

Caseload Transfer - Vendor to Vendor

240.1180

Caseload Transfer - Case Coordination Unit to Case Coordination Unit

## SUBPART L: ADMINISTRATIVE SERVICE CONTRACT

Section  
240.1210

Administrative Service Contract

## SUBPART M: CASE COORDINATION UNITS AND VENDORS

Section  
240.1310

Standard Contractual Requirements for Case Coordination Units and Vendors

240.1320

Vendor or Case Coordination Unit Fraud/Illegal or Criminal Acts

240.1330

General Vendor and CCU Responsibilities (Repealed)

240.1396

Payment for Services (Repealed)

240.1397

Purchases and Contracts (Repealed)

240.1398

Safeguarding Case Information (Repealed)

240.1399

Suspension/Termination of a Vendor or Case Coordination Unit (CCU)

## SUBPART N: CASE COORDINATION UNITS

Section  
240.1400

Community Care Program Case Management

240.1410

Case Coordination Unit Administrative Minimum Standards

240.1420

Case Coordination Unit Responsibilities

240.1430

Case Management Staff Positions, Qualifications and Responsibilities

240.1440

Training Requirements For Case Management Supervisors and Case Managers

## SUBPART O: PROVIDERS

Section  
240.1510  
240.1520

Provider Administrative Minimum Standards  
Provider Responsibilities

## DEPARTMENT ON AGING

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240.1530 General Homemaker Staffing Requirements  
 240.1535 Homemaker Staff Positions, Qualifications and Responsibilities  
 240.1540 General Chore-Housekeeping Staffing Requirements (Repealed)  
 240.1545 Chore-Housekeeping Staff Positions, Qualifications and Responsibilities (Repealed)  
 240.1550 Standard Requirements for Adult Day Care Providers  
 240.1555 General Adult Day Care Staffing Requirements  
 240.1560 Adult Day Care Staff Qualifications  
 240.1565 Adult Day Care Satellite Sites  
 240.1570 Service Availability Expansion  
 240.1575 Adult Day Care Site Relocation  
 240.1580 Standards for Alternative Providers  
 240.1590 Standard Requirements for Individual Provider Services

## SUBPART P: PROVIDER PROCUREMENT

Section  
 240.1600 Provider Contract  
 240.1605 Procuring Provider Services  
 240.1610 Procurement Cycle for Provider Services  
 240.1620 Issuance of Provider Proposal and Guidelines  
 240.1625 Content of Provider Proposal and Guidelines  
 240.1630 Criteria for Number of Provider Contracts Awarded  
 240.1635 Evaluation of Provider Proposals  
 240.1640 Determination and Notification of Provider Awards  
 240.1645 Objection to Procurement Action Determination  
 240.1650 Classification of Provider Service Violations  
 240.1655 Method of Identification of Provider Service Violations  
 240.1660 Compliance Reviews of Contracted Provider Agencies  
 240.1661 Provider Right to Appeal  
 240.1665 Contract Actions for Failure to Comply with Community Care Program Requirements

## SUBPART Q: CASE COORDINATION UNIT PROCUREMENT

Section  
 240.1710 Procurement Cycle For Case Management Services  
 240.1720 Case Coordination Unit Compliance Review

## SUBPART R: ADVISORY COMMITTEE

Section  
 240.1800 Community Care Program (CCP) Advisory Committee  
 240.1850 Technical Rate Review Advisory Committee (Repealed)

## SUBPART S: RATES

Section

## DEPARTMENT ON AGING

## NOTICE OF ADOPTED AMENDMENTS

240.1910 Establishment of Fixed Unit Rates  
 240.1920 Contract Specific Variations  
 240.1930 Fixed Unit Rate of Reimbursement for Homemaker Service  
 240.1940 Fixed Unit Rates of Reimbursement for Adult Day Care Service and Transportation  
 240.1950 Adult Day Care Fixed Unit Reimbursement Rates  
 240.1960 Case Management Fixed Unit Reimbursement Rates

## SUBPART T: FINANCIAL REPORTING

Section  
 240.2020 Financial Reporting of Homemaker Service  
 240.2030 Unallowable Costs for Homemaker Service  
 240.2040 Minimum Direct Service Worker Costs for Homemaker Service  
 240.2050 Cost Categories for Homemaker Service

AUTHORITY: Implementing Section 4.02 and authorized by Section 4.01(1) of the Illinois Act on the Aging ([20 ILCS 105/4.02 and 4.01(1)]).

SOURCE: Emergency rules adopted at 4 Ill. Reg. 1, p. 67, effective December 20, 1979, for a maximum of 150 days; adopted at 4 Ill. Reg. 17, p. 151, effective April 25, 1980; amended at 4 Ill. Reg. 43, p. 86, effective October 15, 1980; emergency amendments at 5 Ill. Reg. 1900, effective February 18, 1981, for a maximum of 150 days; amended at 5 Ill. Reg. 12090, effective October 26, 1981; emergency amendments at 6 Ill. Reg. 8455, effective July 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 14953, effective December 1, 1982; amended at 7 Ill. Reg. 8697, effective July 20, 1983; codified at 8 Ill. Reg. 2633; amended at 9 Ill. Reg. 1739, effective January 29, 1985; amended at 9 Ill. Reg. 10208, effective July 1, 1985; emergency amendments at 9 Ill. Reg. 14011, effective August 29, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 5076, effective March 15, 1986; recodified at 12 Ill. Reg. 7980; amended at 13 Ill. Reg. 11193, effective July 1, 1989; emergency amendments at 13 Ill. Reg. 13638, effective August 18, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 17327, effective November 1, 1989; amended at 14 Ill. Reg. 1233, effective January 12, 1990; amended at 14 Ill. Reg. 10732, effective July 1, 1990; emergency amendments at 15 Ill. Reg. 2838, effective February 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 10351, effective July 1, 1991; emergency amendments at 15 Ill. Reg. 14593, effective October 1, 1991 for a maximum of 150 days; emergency amendments at 15 Ill. Reg. 17398, effective November 15, 1991, for a maximum of 150 days; emergency amendments suspended at 16 Ill. Reg. 1744; emergency amendments modified in response to a suspension by the Joint Committee on Administrative Rules and reinstated at 16 Ill. Reg. 2943; amended at 15 Ill. Reg. 18569, effective December 13, 1991; emergency amendments at 16 Ill. Reg. 2630, effective February 1, 1992, for a maximum of 150 days; emergency amendments at 16 Ill. Reg. 2901, effective February 6, 1992, to expire June 30, 1992; emergency amendments at 16 Ill. Reg. 4069, effective February 28, 1992, to expire June 30, 1992; amended at 16 Ill. Reg. 11403, effective June 30, 1992;



## DEPARTMENT ON AGING

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emergency amendments at 16 Ill. Reg. 11625, effective July 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 11731, effective June 30, 1992; emergency rule added at 16 Ill. Reg. 12615, effective July 23, 1992, for a maximum of 150 days; modified at 16 Ill. Reg. 16680; amended at 16 Ill. Reg. 14565, effective September 8, 1992; amended at 16 Ill. Reg. 18767, effective November 27, 1992; amended at 17 Ill. Reg. 224, effective December 29, 1992; amended at 17 Ill. Reg. 6090, effective April 7, 1993; amended at 18 Ill. Reg. 609, effective February 1, 1994; emergency amendment at 18 Ill. Reg. 5348, effective March 22, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 13375, effective August 19, 1994; amended at 19 Ill. Reg. 9085, effective July 1, 1995; emergency amendment at 19 Ill. Reg. 10186, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 12693, effective August 25, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 16031, effective November 20, 1995; added at 19 Ill. Reg. 16523, effective December 1, 1995; amended at 20 Ill. Reg. 1493, effective JAN 10 1996.

## SUBPART G: NON-FINANCIAL REQUIREMENTS

## Section 240.715 Determination of Need

- a) To be eligible to receive Community Care Program (CCP) services, an individual shall exhibit a need for long term care. The Determination of Need, a standardized form, specifies the factors which together determine the individual's need for long term care.
- b) The need for long term care is based upon the determined need for a continuum of in-home and community-based services to prevent inappropriate or premature placement in an institutional long term care facility.
- c) The extent and degree of an applicant's/client's need for long term care shall be determined on the basis of impaired cognitive and functional status as well as the available physical/environmental supports provided to the applicant/client by family, friends or others in the community.

- d) The Determination of Need consists of two parts:

- 1) The Mini-Mental Status Examination (Folstein, Folstein and McHugh, 1975, no later editions or amendments included) measures cognitive functioning of the applicant/client.

- A) The applicant/client who receives a score equal to or less than ten ~~ten~~ points shall be considered to be cognitively intact and zero ~~ten~~ points shall be added to the Part A, Level of Impairment, score on the Determination of Need ~~Box~~.

F7.

- B) The applicant/client who receives a score of 11 ~~eleven~~ ~~thirteen~~ or more or who has been diagnosed by a physician or psychiatrist as having dementia, Alzheimer's disease, or organic brain syndrome shall be considered to be cognitively impaired and ten ~~ten~~ points shall be added to the Part A, Level of Impairment, score on the Determination of Need ~~Box~~.

## DEPARTMENT ON AGING

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- F7.
- C) Ten additional points shall be added to the Part A, Level of Impairment, score on the Determination of Need for the applicant/client who meets the following three criteria:

- i) Applicant/client has been adjudicated disabled or incompetent by a Probate Court judge or judge assigned to render a decision on such matters in a court of competent jurisdiction; and
- ii) a physician or psychiatrist licensed by the State of Illinois has certified that in his/her professional judgement the applicant/client suffers from Alzheimer's disease, organic brain syndrome, or dementia; and
- iii) a physician or psychiatrist licensed by the State of Illinois has certified that in his/her professional judgement the applicant/client requires 24-hour home and community-based services to remain in the home.

- 2) The Determination of Need measures the applicant's/client's ability to perform the following activities of daily living (ADLs) and instrumental activities of daily living (IADLs):

- A) Activities of Daily Living
  - i) Eating
  - ii) Bathing
  - iii) Grooming
  - iv) Dressing
  - v) Transferring
  - vi) Incontinence
- B) Instrumental Activities of Daily Living
  - i) Preparing meals
  - ii) Being alone ~~along~~
  - iii) Telephoning
  - iv) Managing money
  - v) Routine Routing health
  - vi) Special health Health
  - vii) Outside home
  - viii) Laundry
  - ix) Housework

- e) The Determination of Need scale includes the six ~~ten~~ ADLs and nine ~~ten~~ IADLs identified. Each function is scored in two parts: Part A - Level of Impairment, and Part B - Unmet Need for Care.

- 1) Part A, Level of Impairment, of the Determination of Need measures the ability of the applicant/client to perform each ADL and IADL function. A scoring range of zero ~~ten~~ through three ~~ten~~ indicates the degree of impairment of the applicant/client in the performance of ADLs and IADLs.

- A) A score of zero ~~ten~~ for any function indicates that the applicant/client performs or can perform all essential components of the activity, with or without an existing

## DEPARTMENT ON AGING

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assistive device, such that:

- i) no significant impairment of function remains; or
  - ii) activity is not required by the applicant/client (routine health and special health only); or
  - iii) the applicant/client may benefit from but does not require supervision or physical assistance.
- B) A score of one (1) for any function indicates that the applicant/client performs or can perform most essential components of the activity, with or without an existing assistive device, but some impairment of function remains such that the applicant/client requires some supervision or physical assistance to accomplish some or all components of the activity. This includes the applicant/client who:
- i) experiences minor, intermittent fatigue in performing the activity; or
  - ii) takes longer time to accomplish than an unimpaired person requires; or
  - iii) must perform the activity more frequently than an unimpaired person.

- C) A score of two (2) for any function indicates that the applicant/client cannot perform most of the essential components of the activity, even with an existing assistive device, and requires a great deal of assistance or supervision to accomplish the activity. This includes the applicant/client who:

- i) experiences frequent fatigue in performing the activity; or
- ii) takes an excessive amount of time to perform the activity; or
- iii) must perform the activity much more frequently than an unimpaired person.

- D) A score of three (3) for any function indicates that the applicant/client cannot perform the activity and requires someone to perform the task, although the applicant/client may be able to assist in small ways, or requires constant supervision.

- 2) Part B, Unmet Need for Care, of the Determination of Need measures the need of the applicant/client for assistance/performance/supervision for each ADL and IADL function which is not being met by non-CCP resources in the community (e.g., family, friends, local services).

- A) A score of zero (0) for any function indicates that there is no impairment, or that the applicant's/client's need for assistance is met to the extent that the applicant/client is at no risk to health or safety if additional assistance is not acquired, or that additional assistance will not benefit the applicant/client, or that the applicant's/client's needs are being met by non-CCP resources and, therefore, the

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- applicant/client has no need for assistance.
- B) A score of one (1) for any function indicates that the applicant's/client's need for assistance is met most of the time, but the applicant's/client's health and safety are at minimal risk if additional assistance is not acquired.
- C) A score of two (2) for any function indicates that the applicant's/client's need for assistance is not met most of the time and the applicant's/client's health and safety are at moderate risk if additional assistance is not acquired.
- D) A score of three (3) for any function indicates that the applicant's/client's need for assistance is rarely, or never, met and the applicant's/client's health and safety are at severe risk, which would require acute medical intervention, if additional assistance is not acquired.

(Source: Amended at 20 Ill. Reg. 1493, effective JAN 10 1995)

DEPARTMENT OF AGRICULTURE  
NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Animal Control Act
- 2) Code Citation: 8 Ill. Adm. Code 30
- 3) Section Numbers: Adopted Action:  
30.10 Amendment  
30.20 Amendment
- 4) Statutory Authority: Animal Control Act [510 ILCS 5] and Sections 9 and 10 of the Illinois Diseased Animals Act [510 ILCS 50/9 and 10]
- 5) Effective Date of amendments: January 12, 1996
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this proposed amendment contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: January 12, 1996
- 9) Notices of Proposal Published in Illinois Register: September 15, 1995, 19 Ill. Reg. 12734
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? N/A
- 13) Will this amendment replace an emergency amendment in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of amendments: Due to reorganization within the Department, all references to "Division" are changed to "Department".
- 16) Information and questions regarding this adopted amendment shall be directed to:  
Debbie Wakefield  
Illinois Department of Agriculture  
State Fairgrounds  
Springfield, Illinois 62794-9281  
Telephone: 217/785-5713 FAX: 217/785-4505

The full text of Adopted Amendments begins on the next page:

DEPARTMENT OF AGRICULTURE  
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TITLE 8: AGRICULTURE AND ANIMALS  
CHAPTER 1: DEPARTMENT OF AGRICULTURE  
SUBCHAPTER b: ANIMALS AND ANIMAL PRODUCTS  
(EXCEPT MEAT AND POULTRY INSPECTION ACT REGULATIONS)

PART 30  
ANIMAL CONTROL ACT

Section

- 30.10 Definitions
- 30.20 Interstate Shipment of Dogs; Health Certificate Required
- 30.30 Causes for Removal of Administrator or Wardens from Office
- 30.40 District Boards
- 30.50 Training of Animal Control Wardens
- 30.60 Rabies Vaccination Tags; County Accountable for Rabies Tags
- 30.70 Rabies Vaccination Tag and Certificate Honored by All Counties; Interstate Shipment of Dogs Recognized as Officially Vaccinated
- 30.80 Approval of Rabies Vaccination Tags and Color
- 30.90 Recognized Immunity Period of Animal Rabies Vaccines
- 30.100 Unvaccinated Impounded Dog
- 30.110 Confinement Period for Animal Which Has Bitten a Person
- 30.120 Biting Animal Considered Officially Vaccinated; Brains of Dogs Suspected of Having Rabies and Which Have Died Shall Be Submitted for Examination
- 30.130 Rabid Animals; Procedures for Revaccination, Confinement or Destruction
- 30.140 Dangerous Dog; Control Methods
- 30.150 Claim for Loss of Animals or Poultry Killed or Injured by Dogs
- 30.160 County Animal Control Program; Requirements
- 30.170 County and Municipality Sharing Registration Fees

**AUTHORITY:** Implementing and authorized by the Animal Control Act [510 ILCS 5] and authorized by Sections 9 and 10 of the Illinois Diseased Animals Act [510 ILCS 50/9 and 10].

**SOURCE:** Rules and Regulations Relating to the Animal Control Act, filed September 16, 1974, effective September 26, 1974; amended August 19, 1975, effective August 29, 1975; filed December 10, 1976, effective January 1, 1977; codified at 5 Ill. Reg. 10440; amended at 7 Ill. Reg. 1712, effective January 28, 1983; amended at 12 Ill. Reg. 2216, effective January 19, 1988; amended at 16 Ill. Reg. 11751, effective July 8, 1992; amended at 18 Ill. Reg. 14891, effective September 26, 1994; amended at 20 Ill. Reg. 1505, effective

JAN 12 1996

Section 30.10 Definitions

For the purpose of this Act and these rules, the following definitions shall apply:



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"Confined under the observation of a licensed veterinarian" means confined to an escape-proof building or other enclosure away from other animals and the public, and observed daily by the Administrator or another licensed veterinarian.

~~"Division" means the Division of Animal Industries--of the--Illinois Department of Agriculture.~~

"Escape-proof building or other enclosure" means a building or other enclosure of such strength and structure to keep the confined animal away from other animals and the public.

"Humanely dispatched" means the painless administration of a lethal dose of an agent which shall cause the painless death of an animal as prescribed in the Journal of the American Veterinary Medical Association, January 15, 1993. Said method shall not destroy brain tissue necessary for laboratory examination for rabies. Animals shall be handled prior to administration of the agent in such a manner as to avoid undue apprehension by the animal.

"Official health certificate" means a legible record, made on an official form of the state of origin, or the Animal and Plant Health Inspection Service of the U.S. Department of Agriculture, and issued by a licensed veterinarian of the state of origin, a veterinarian in the employ of the Animal and Plant Health Inspection Service, or a veterinarian in the employ of the United States Armed Services, which shows that the dog(s) listed thereon meet the health requirements of the State of Illinois. The official health certificate shall contain the name and address of the consignor; the name and address of the consignee; an accurate description or identification including age, sex and breed of the dog(s) involved; and shall also indicate the health status of the dog(s), including the date(s) of vaccination(s), type of vaccine, name of manufacturer, serial number, and amount of vaccine administered.

"Officially vaccinated" means the inoculation of a dog with a vaccine as set forth in 8 Ill. Adm. Code 30.90 of these rules; administered by a licensed veterinarian by the route and in the amount recommended by the producer of the vaccine and for which a county rabies vaccination tag has been issued and properly recorded on a certificate as prescribed by the Board.

"Program" means the Animal Control Program as organized for the purpose of carrying out the provisions of this Act and the rules pursuant thereto.

"Recognized laboratory" means a laboratory operated by the State Department of Agriculture, the State Department of Public Health, any

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land grant university, or other laboratories approved by the Department of Public Health.

"Stray" means an animal which shall be considered a stray according to the ordinances that exist in the county in which the animal is found.

"Straying" means a dog or other animal not on the premises of the owner or not confined or under control by leash or other recognized control methods as set forth in ~~17-2-and-9-under-(b)-in~~ 8 Ill. Adm. Code 30.140 (b)(1), (2) and (3).

"Wild animal" means a wolf, coyote, or the offspring of a mating between a wolf or coyote and a dog.

(Source: Amended at 20 Ill. Reg. 1505, effective JAN 12 1996)

## Section 30.20 Interstate Shipment of Dogs; Health Certificate Required

a) Dogs of any age brought into Illinois shall be accompanied by an official health certificate issued within 30 days of entry, showing the age, sex, breed, and description of each dog; that the dogs in shipment are free from visible evidence of communicable diseases as set forth in Sections 9 and 10 of the Illinois Diseased Animals Act [510 ILCS 50/9 and 10]; that they originated in an area not under quarantine because of rabies or if originating in an area under quarantine because of rabies, have obtained prior permission from the Department ~~Division~~ that will be granted by telephoning 217/782-4944 and indicating that the dogs have not been in physical contact with rabid animals; and that all dogs over 16 weeks of age have been vaccinated against rabies as set forth in 8 Ill. Adm. Code 30.90. A copy of the health certificate bearing the approval of the Animal Health Official of the state of origin shall be filed with the Department ~~Division~~.

b) This Part shall not apply to dogs consigned to hospitals, pharmaceutical companies, or licensed research institutions for research or teaching, nor to performing dogs or dogs brought in for a limited period of time for exhibition or breeding purposes and kept under direct control while in Illinois; provided, such performing dogs, dogs for exhibition, or dogs for breeding purposes have been vaccinated against rabies prior to entry into Illinois.

(Source: Amended at 20 Ill. Reg. 1505, effective JAN 12 1996)

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- 1) Heading of the Part: Bovine Brucellosis
- 2) Code Citation: 8 Ill. Adm. Code 75
- 3) Section Numbers: Adopted Action:  
 75.5 Amendment  
 75.10 Amendment  
 75.15 Amendment  
 75.20 Amendment  
 75.50 Amendment  
 75.60 Amendment  
 75.70 Amendment  
 75.80 Amendment  
 75.90 Amendment  
 75.110 Amendment  
 75.120 Amendment  
 75.130 Amendment  
 75.140 Amendment  
 75.160 Amendment  
 75.170 Amendment  
 75.180 Amendment  
 75.190 Amendment  
 75.200 Amendment
- 4) Statutory Authority: Illinois Bovine Brucellosis Eradication Act [510 ILCS 30]
- 5) Effective Date of amendments: January 12, 1996
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this proposed amendment contain incorporations by reference? Yes
- 8) Date Filed in Agency's Principal Office: January 12, 1996
- 9) Notices of Proposal Published in Illinois Register: September 15, 1995, 19 Ill. Reg. 12762
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Differences between proposal and final version: Nonsubstantive corrections were made.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? N/A
- 13) Will this amendment replace an emergency amendment in effect? No

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- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of amendments: Cites to the Code of Federal Regulations and the Brucellosis Eradication Uniform Methods and Rules have been updated to reflect the most current printed version of these documents. Due to reorganization within the Department, all references to "Division" have been changed to "Department".
- The lowering of the age for retesting of vaccinated dairy cattle has been amended to conform with the change in the statute (see P.A. 89-154, effective July 19, 1995).
- Methods of identification of cattle are being clarified to include ear tags, microchips, and brands in several Sections. This amendment provides producers with alternative methods of identifying their livestock as many of the breed associations have adopted these methods of livestock identification.
- Sections 75.160 and 75.180 are being amended as there is no brucellosis infection in Class Free States or free countries so there is no epidemiological reason to require female beef cattle over 18 months or dairy or breeding cattle entering Illinois to have a negative test for brucellosis.

- 16) Information and questions regarding this adopted amendment shall be directed to:

Debbie Wakefield  
 Illinois Department of Agriculture  
 State Fairgrounds, Springfield,  
 Illinois 62794-9281  
 Telephone: 217/785-5713 FAX: 217/785-4505

The full text of Adopted Amendments begins on the next page:

DEPARTMENT OF AGRICULTURE  
NOTICE OF ADOPTED AMENDMENTS

TITLE 8: AGRICULTURE AND ANIMALS  
CHAPTER 1: DEPARTMENT OF AGRICULTURE  
SUBCHAPTER b: ANIMALS AND ANIMAL PRODUCTS  
(EXCEPT MEAT AND POULTRY INSPECTION ACT REGULATIONS)

PART 75  
BOVINE BRUCELLOSIS

Section	
75.5	Definitions
75.7	Incorporation by Reference
75.10	Official Classification of the Results of the Brucellosis Blood Test
75.15	Permits to Conduct Official Brucellosis Tests
75.20	Reports Required
75.30	Tests Conducted at State Expense or for Interstate or Export Shipment
75.40	Tests Conducted at Owner's Expense for Intrastate Movement (Repealed)
75.50	Indemnity
75.60	Identification of Cattle
75.70	Herds Revealing Reactors
75.80	Sale of Suspects and Negative Animals From Quarantined Herds
75.90	Release of Herds or Cattle Under Quarantine
75.100	Herds Revealing Suspects Only
75.110	Identification Tags
75.120	Requirements for Establishing and Maintaining Certified Brucellosis-Free Herds of Cattle
75.130	Feeding or Grazing Cattle
75.140	Sale of Quarantined Feeding or Grazing Cattle
75.150	Cattle for Immediate Slaughter
75.160	Female Cattle--Beef Breeds--18 Months and Over
75.170	Release of Feeding or Grazing Cattle from Quarantine
75.180	Dairy or Breeding Cattle
75.190	Additional Requirements on Cattle from States Designated as Class B and Class C States
75.200	Slaughter Cattle from Class B or Class C States
75.210	Official Calftlood Vaccination
75.220	Recognition of Brucellosis State Status
TABLE A	Brucellosis Standard Plate Test of Officially Vaccinated Cattle and Bison (Repealed)
TABLE B	Brucellosis Standard Plate Test of Non-Vaccinated Cattle and Bison (Repealed)

AUTHORITY: Implementing and authorized by the Illinois Bovine Brucellosis Eradication Act [510 ILCS 30].

SOURCE: Regulations Relating to Bovine Brucellosis, filed January 17, 1972, effective January 27, 1972; filed May 3, 1972, effective May 13, 1972; filed December 6, 1972, effective December 16, 1972; filed June 20, 1973, effective June 20, 1973; filed December 14, 1973, effective December 24, 1973; filed

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August 19, 1975, effective August 29, 1975; filed March 12, 1976, effective March 22, 1976; filed June 21, 1976, effective July 1, 1976; filed December 29, 1976, effective January 8, 1977; amended at 2 Ill. Reg. 24, p. 55, effective June 15, 1978; amended at 3 Ill. Reg. 34, p. 96, effective August 24, 1979; amended at 5 Ill. Reg. 720, effective January 2, 1981; codified at 5 Ill. Reg. 10453; amended at 7 Ill. Reg. 1737, effective January 28, 1983; amended at 7 Ill. Reg. 1733, effective February 2, 1983; amended at 8 Ill. Reg. 5891, effective April 23, 1984; amended at 9 Ill. Reg. 4483, effective March 22, 1985; amended at 9 Ill. Reg. 19647, effective January 1, 1986; amended at 10 Ill. Reg. 9741, effective May 21, 1986; amended at 11 Ill. Reg. 10169, effective May 15, 1987; amended at 12 Ill. Reg. 3386, effective January 22, 1988; amended at 13 Ill. Reg. 3636, effective March 13, 1989; amended at 14 Ill. Reg. 1911, effective January 19, 1990; amended at 18 Ill. Reg. 1833, effective January 24, 1994; amended at 20 Ill. Reg. 1509, effective JAN 2 1996.

Section 75.5 Definitions

The definitions for the rules of this Part shall be as stated in 8 Ill. Adm. Code 20.1. The following definition shall also apply:

"Act" means the Illinois Bovine Brucellosis Eradication Act (~~411-Rev-Stat--1991, ch--87, pars--134-et-seq--~~ [510 ILCS 30] (~~face--P-A--88-917 effective-July-14-1993-and-P-A-88-4577-effective-August-20-1993~~).

"Registered animal" means an animal for which individual records of ancestry are recorded and maintained by a breed association whose purpose is the improvement of the bovine species, and for which individual registration certificates are issued and recorded by such breed association. The breed associations recognized by the Department ~~Division~~ are those recognized by the United States Department of Agriculture (9 CFR 51.1, 1995 1993).

(Source: Amended at 20 Ill. Reg. 1509, effective JAN 2 1996.)

Section 75.10 Official Classification of the Results of the Brucellosis Blood Test

- The official tests and classification of results for the brucellosis blood and milk tests shall be as prescribed in the Brucellosis Eradication Uniform Methods and Rules as approved by the United States Animal Health Association (P.O. Box K227, Suite 114, 1610 Forest Avenue, Richmond, Virginia 23228, May 6, 1992 as amended February 2, 1993 and June 16, 1994) and the United States Department of Agriculture and/or 9 CFR 78.1 (1995 1993).
- The card (Buffered Brucella Antigen) test or Buffered Acidified Plate Antigen (BAPA) test shall be the official tests used at licensed



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livestock auction markets in the State. The CITE EXPS (Registered) test shall be used as a supplemental test whenever the card test is used.

- c) The official brucellosis test for cattle imported into Illinois shall be one conducted at an approved laboratory.

(Source: Amended at 20 Ill. Reg. 1509, effective JAN 2 1936)

## Section 75.15 Permits to Conduct Official Brucellosis Tests

- a) A permit to operate a laboratory to conduct blood serum agglutination tests for brucellosis will be issued when the applicant has:

- 1) Completed a Department Division permit application and returned it to the Department Division.
- 2) Received oral instruction on testing procedures from State-Federal Serology Laboratory personnel.
- 3) Completed a check test conducted at the State-Federal Serology Laboratory of 100 bovine brucellosis serum samples, with a score of at least 90% accuracy.
- b) Retesting of the person permitted to operate a laboratory to conduct brucellosis tests will occur when tests performed by the permittee fail to disclose three or more reactors as determined by confirmation tests at the State-Federal Serology Laboratory.

(Source: Amended at 20 Ill. Reg. 1509, effective JAN 2 1936)

## Section 75.20 Reports Required

- a) The veterinarian is required to report in writing to the Department Division all brucellosis blood tests within seven days of the date of test. The report must accompany the blood sample and shall be reported on forms furnished by the Department Division. This report shall contain the date of the test, a statement of results obtained, the name and address of the owner, together with proper identification of each animal tested. The identification of a grade animal shall include the predominating breed, sex, approximate age, and ear tag or microchip number. A purebred or crossbred registered animal shall be identified by its breed, sex, age, and registration number or record association approved individual tattoo or microchip.

- b) The veterinarian shall report in writing to the Department Division all brucellosis vaccinations of cattle within 30 days of the date of vaccination.

(Source: Amended at 20 Ill. Reg. 1509, effective

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## Section 75.50 Indemnity

- a) If State funds are available, indemnity will be paid to owners of dairy and breeding cattle which react to the official test for the detection of bovine brucellosis and are destroyed provided:

- 1) Tests are read at an approved laboratory.
- 2) A report has been received from the veterinarian that the entire herd has been officially tested, except calves under 6 months of age and official vaccinates under 24 months of age for beef breeds and 20 months of age for dairy breeds.
- 3) Indemnity forms are completed by an accredited veterinarian or a regularly employed State or Federal veterinarian and all the requirements of Sections 4 and 5 of the Act governing the payment of indemnity are observed.
- b) Indemnity will not be paid for reactors disclosed on tests for release of feeder quarantine in accordance with Section 6.3 of the Act or where incomplete herd tests are conducted.
- c) When State funds are available for paying indemnity, the Department shall pay to the owner an indemnity at the rate specified in Section 4 of the Act for each female calf destroyed which was nursing a cow classified as a brucellosis reactor.
- d) Depopulation--When a herd is found to be severely infected as evidenced by disclosure of one or more reactors on 2 or more herd tests, or by more than 10% of the herd being disclosed as reactors on a single herd test, or through bacteriological culture of Brucella abortus from milk or tissue samples from a reactor, the entire herd shall be depopulated; provided, the herd owner agrees to such depopulation and State and/or federal indemnity funds are available to pay for the depopulation.

- 1) When the complete herd depopulation procedure is followed, and when State and United States Department of Agriculture funds are available, the State shall pay to the owner of cattle destroyed an indemnity of \$50 for any nonregistered animal and \$100 for any registered purebred or crossbred animal.

- 2) If at any time the United States Department of Agriculture fails to provide indemnity for herd depopulation, the State of Illinois shall, if State funds are available, pay to the owner of cattle destroyed an additional indemnity of \$50 for any nonregistered beef animal and \$250 for any registered beef or dairy and nonregistered dairy animal. For the purpose of this Section, "dairy animal" means a female bovine over 20 months of age, which has calved or is within 90 days of parturition and which is a member of a dairy herd used to produce milk for commercial use.

(Source: Amended at 20 Ill. Reg. 1509, effective

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**Section 75.60 Identification of Cattle**

a) All purebred or crossbred cattle subject to registration vaccinated with brucella abortus vaccine shall be identified on the report of vaccination by their registration number, or dam's registration number, or record association approved individual tattoo or microchip. All grade or not permanently identified cattle so vaccinated shall be ear tagged in the right ear with an identification tag. In addition to the above identification, all animals shall be identified at the time of vaccination by a tattoo in the right ear. The tattoo shall show the quarter and year of vaccination and the letter "v" in the Federal shield. The number of the quarter shall precede the letter "v" in the shield and the last figure of the year shall follow the letter "v" in the shield, as for example, 4V7--"4" means the last quarter (Oct., Nov., Dec.) of the year, "v" means vaccinated, and "7" means the year (example 1957).

b) All cattle, except permanently identified purebred or crossbred animals, tested for brucellosis in the State of the Illinois shall be identified by an ear tag placed in the right ear, which tag shall bear a prefix number or letter followed by the number on the face of the tag, and on the reverse side shall bear the word "Illinois."

c) Purebred or crossbred registered cattle may be identified for test or vaccination by the purebred or crossbred registration number or individual registration breed tattoo or microchip.

(Source: Amended at 20 Ill. Reg. 1509, effective JAN 1 2 1936)

**Section 75.70 Herds Revealing Reactors**

a) The entire herd shall be placed under quarantine and the reactor animals shall be immediately isolated from the remainder of the herd. Reactors shall be shipped for slaughter to a public stockyards, a licensed livestock auction market, or directly to a recognized slaughtering establishment accompanied by United States Department of Agriculture VS Form 1-27 Permit For Movement of Animals and shipment reported to the Department Division.

b) All reactors shall be reactor tagged and branded by an accredited veterinarian or a veterinarian in the employ of the Department Division or the Animal and Plant Health Inspection Service within 10 days of report by the laboratory. ADE Form 1-23 (Indemnity Claim for Cattle Slaughtered) shall be submitted in duplicate. Such reactor animals shall be shipped within 15 days after tagging and branding.

(Source: Amended at 20 Ill. Reg. 1509, effective JAN 1 2 1936)

**Section 75.80 Sale of Suspects and Negative Animals From Quarantined Herds**

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Suspects or negative exposed animals from herds under quarantine may be shipped by the owner direct to a recognized slaughtering establishment, a public stockyards or to a licensed livestock auction market, accompanied by Federal Form VS 1-27 to be sold for slaughter only and shipment reported to the Department Division. Such cattle are to be identified by an ear tag supplied by the Department and by branding with a hot iron the letter "S" on the left jaw in letters not less than 2 nor more than 3 inches in height, before the animals leave the premises where they are quarantined, except that cattle for slaughter shall be exempt from the "S" branding requirements of this regulation when moved direct from a feedlot on the quarantined premises to a recognized slaughtering establishment in a vehicle which has been sealed by a Department employee, or a person designated by the Department.

(Source: Amended at 20 Ill. Reg. 1509, effective JAN 1 2 1936)

**Section 75.90 Release of Herds or Cattle Under Quarantine**

a) Herds which disclose reactors shall be quarantined until depopulated or official tests indicate brucellosis infection no longer exists in the herd.

b) An additional official test of all test-eligible cattle in the herd is required not less than 6 months after release of the herd quarantine or not less than 10 months after removal of the last reactor. For the purpose of this Section, "test-eligible" cattle means all cattle 6 months of age or over except steers, spayed heifers, and official brucellosis calfhood vaccinates under 24 months of age for beef breeds and 20 months of age for dairy breeds.

c) Such herd retests shall be conducted at State-Federal expense; provided, funds are available. The blood samples shall be submitted for diagnosis to an approved laboratory.

(Source: Amended at 20 Ill. Reg. 1509, effective JAN 1 2 1936)

**Section 75.110 Identification Tags**

No person shall remove identification tags, numbers, brands, ear tags, microchips, or market cattle identification program backtags from livestock except:

a) Backtags shall only be removed when an animal is blood tested or is slaughtered and a Market Cattle Identification sample collected.

b) Identification tags shall be removed only when an animal is slaughtered and a Market Cattle Identification sample collected.

(Source: Amended at 20 Ill. Reg. 1509, effective JAN 1 2 1936)

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**Section 75.120 Requirements for Establishing and Maintaining Certified Brucellosis-Free Herds of Cattle**

Certified brucellosis-free herds shall be established and maintained in accordance with the Brucellosis Eradication Uniform Methods and Rules as approved by the United States Animal Health Association (P.O. Box #227, Suite 114, 1610 Forest Avenue, Richmond, Virginia 23228; May 6, 1992 as amended February 2, 1993 and June 16, 1994) and the United States Department of Agriculture and/or 9 CFR 78.1 (1995-1999).

(Source: Amended at 20 Ill. Reg. 1509, effective JAN 12 1996)

**Section 75.130 Feeding or Grazing Cattle**

- All steers and spayed heifers, and calves of the beef breeds under 6 months of age may enter Illinois when accompanied by an official interstate health certificate OR by a permit from the Department Division. A permit may be obtained by telephoning or writing the Department Division. Steers and spayed heifers are not subject to quarantine restrictions.
- Heifers, untested, of the beef breeds over 6 months of age and under 18 months for feeding and grazing purposes only from Class A, B, or C states may enter Illinois when accompanied by an official interstate health certificate AND a permit from the Department Division. They are placed under quarantine at destination and shall be held under quarantine for the period of feeding, not to exceed 12 months, with an extension of 90 days granted on request to the Department Division. Heifers, untested, of the beef breeds over 6 months of age and under 18 months for feeding and grazing purposes only from Class Free states may enter Illinois when accompanied by an official interstate health certificate and will not be placed under quarantine at destination.
- The owner shall report to the Department Division the disposition of heifers which are under quarantine for feeding and grazing purposes. If such heifers are retained longer than the allowed feeding period, they shall be tested for brucellosis at owner's expense. All brucellosis blood tests for release of quarantine shall be conducted at an approved laboratory.

(Source: Amended at 20 Ill. Reg. 1509, effective JAN 12 1996)

**Section 75.140 Sale of Quarantined Feeding or Grazing Cattle**

The sale or transfer of feeding or grazing cattle under quarantine is permitted provided that the original quarantine holder shall, within 10 days, report to the Department Division such transfer of quarantined animals, giving name and address of person to whom animals were transferred, date of transfer, and

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number of animals transferred. There may be one transfer of ownership only. No second transfer of quarantine will be permitted. The feeder animals which were transferred will be quarantined to the new owner for the remainder of the feeding period and any extension thereof granted by the Department Division.

(Source: Amended at 20 Ill. Reg. 1509, effective JAN 12 1996)

**Section 75.160 Female Cattle--Beef Breeds--18 Months and Over**

Female cattle of the beef breeds 18 months of age and over, for feeding or grazing purposes only, may enter Illinois, or may be shipped from public stockyards within the State, if they are accompanied by an official interstate health certificate showing:

- Negative brucellosis blood test conducted at a State or Federal Laboratory within 30 days prior to entry, OR
- The animals to be under 24 months of age and officially calfhood vaccinated against brucellosis, OR
- Originated from a Brucellosis Class Free State or country or a Certified Brucellosis-Free Herd.

(Source: Amended at 20 Ill. Reg. 1509, effective JAN 12 1996)

**Section 75.170 Release of Feeding or Grazing Cattle from Quarantine**

The quarantine on feeding or grazing cattle is released when:

- The owner reports to the Department Division the shipment of the quarantined animals to a public stockyard or a licensed livestock auction market, OR
- The owner reports to the Department Division the sale of the quarantined cattle for immediate slaughter to a person regularly engaged in the slaughter of cattle, or reports the slaughter of the cattle for his own use, OR
- The owner reports to the Department Division the death of the quarantined animals, OR
- The Department Division receives a report of required negative brucellosis blood test conducted by an accredited veterinarian for the release of the quarantine on the animals. The report of test for release from the quarantine should bear a notation that the test is conducted for quarantine release. Such test shall be at the owner's expense. All brucellosis blood tests for release of feeder quarantine shall be conducted at an approved laboratory, OR
- The owner reports to the Department Division the transfer within 10 days of the feeder females. Name and address of purchaser shall be furnished for transfer of quarantine for remainder of feeding period and any extension thereof granted by the Department Division.



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(Source: Amended at 20 Ill. Reg. 1509, effective JAN 6 1996)

**Section 75.180 Dairy or Breeding Cattle**

All dairy or breeding cattle transported or moved into the State of Illinois, unless said cattle are consigned direct to and delivered by the transportation company within the confines of a public stockyards or marketing center, shall be accompanied by an official certificate of health showing:

- a) All such cattle over 6 months of age are negative to brucellosis blood test within 30 days prior to shipment, OR
- b) All cattle originated from a certified brucellosis-free herd, Class Free State or country. Certified herd number shall be given and the cattle shall be identified by ear tag number, registration name and number, dam's registration number, or record association approved individual tattoo, OR
- c) Cattle are official brucellosis calfhood vaccinates under 24 months of age for beef breeds and 20 months of age for dairy breeds.

(Source: Amended at 20 Ill. Reg. 1509, effective JAN 2 1996)

**Section 75.190 Additional Requirements on Cattle from States Designated as Class B and Class C States**

- a) In addition to other entry requirements, a prior permit must be obtained for dairy, feeding or breeding cattle, except those consigned direct to slaughter or calves under 6 months of age except as further provided for in this Section, entering Illinois from states designated by the U.S. Department of Agriculture as Class B and Class C under provisions of the Brucellosis Eradication Uniform Methods and Rules as recommended and approved by the United States Animal Health Association (P. O. Box K227, Suite 114, 1610 Forest Avenue, Richmond, Virginia 23228) and by the U.S. Department of Agriculture (May 6, 1992, as amended February 2, 1993 and June 16, 1994). Such prior permits shall be obtained by contacting the Bureau of Animal Health ~~Division--of--Animal--Industries~~, Illinois Department of Agriculture, State Fairgrounds, P.O. Box 19281, Springfield, Illinois 62794-9281, telephone 217/782-4944. Information regarding the origin, destination and description of the cattle along with the number of animals in the shipment is necessary for obtaining a permit.
- b) Breeding cattle 12 months of age or over from such states shall be placed under quarantine and in isolation until retested and negative to an official test for brucellosis conducted not less than 45 days nor more than 120 days after entering Illinois. Breeding cattle originating from certified brucellosis-free herds are exempt from this provision.
- c) All female cattle born after July 1, 1985, if more than 4 months of

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age, except spayed heifers (female cattle may be spayed after entry into Illinois with prior approval from the Department ~~Division~~ which will be given upon receipt of the name of the veterinarian who will be performing the operation) or those consigned directly to slaughter, entering Illinois from Class B or Class C states must be official calfhood vaccinates and vaccination status shall be recorded on the official interstate health certificate. In lieu of calfhood vaccination, cattle from Class B states entering Illinois for feeding purposes only may be identified with a hot iron brand on either or both jaws or either hip using the letter F of not less than three inches in height.

- d) Female cattle, except those consigned directly to slaughter, entering Illinois from Class C states shall, in addition to present entry requirements now on file, either originate from a certified brucellosis-free herd or be spayed and be officially identified by a hot iron brand on either or both jaws or on either hip using an open spade design (e.g., as used in playing cards) of not less than three inches in height. Certification of spaying by an accredited veterinarian is to be shown on the official interstate health certificate. Female cattle may be spayed after entry into Illinois with prior approval from the Department ~~Division~~ which will be given upon receipt of the name of the veterinarian who will be performing the operation.
- e) Calves under two months of age not accompanied by their dams may be imported from Class C states if they meet the following requirements:
  - 1) An entry permit shall be obtained on all shipments. All such calves shall be quarantined until shipped to slaughter or neutered (spayed or castrated).
  - 2) All calves shall be accompanied by the Certificate of Veterinary Inspection (i.e., health certificate) and shall be individually identified by official eartags. The eartag numbers shall be recorded on the Certificate.

(Source: Amended at 20 Ill. Reg. 1509, effective JAN 6 1996)

**Section 75.200 Slaughter Cattle from Class B or Class C States**

- a) Prior to movement for slaughter, all test-eligible cattle of unknown status originating in Class B or Class C states in accordance with the Brucellosis Eradication Uniform Methods and Rules (May 6, 1992, as amended February 2, 1993 and June 16, 1994; as recommended and approved by the United States Animal Health Association (P.O. Box K227, Suite 114, 1610 Forest Avenue, Richmond, Virginia 23228) and by the United States Department of Agriculture) shall:
  - 1) Be subjected to an official test for brucellosis within 60 days prior to movement from the farm of origin, OR
  - 2) Be subjected to an official test for brucellosis at the market or

## DEPARTMENT OF AGRICULTURE

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- stockyards (first point testing), OR
- 3) Be permanently identified with a hot iron "S" brand on the left jaw and be accompanied to slaughter by USDA Form VS 1-27, OR
  - 4) Be accompanied by USDA Form VS 1-27 and moved direct to slaughter in sealed trucks and/or compartments, with no intermediate stops.
  - b) For the purpose of this Section, "test-eligible" cattle means all cattle 18 months of age or over, except steers, spayed heifers, and official brucellosis calfhood vaccinates under 24 months of age for beef breeds and 20 months of age for dairy breeds. Finished fat heifers moving in marketing channels direct to slaughter will not be considered as test-eligible cattle.

(Source: Amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

JAN 12 1996

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- 1) Heading of the Part: Definitions
- 2) Code Citation: 8 Ill. Adm. Code 20
- 3) Section Numbers: Adopted Action:  
20.1 Amendment
- 4) Statutory Authority: Section 15 of the Illinois Swine Disease Control and Eradication Act [510 ILCS 100/15]; Section 15 of the Illinois Feeder Swine Dealer Licensing Act [225 ILCS 620/15]; Section 15 of the Illinois Livestock Dealer Licensing Act [225 ILCS 645/15]; Section 18 of the Illinois Bovine Tuberculosis Eradication Act [510 ILCS 35/18]; Section 10 of the Illinois Bovine Brucellosis Eradication Act [510 ILCS 30/10]; Section 7 of the Illinois Swine Brucellosis Eradication Act [510 ILCS 95/7]; Section 12 of the Illinois Dead Animal Disposal Act [225 ILCS 610/12]; Section 2 of the Illinois Diseased Animals Act [510 ILCS 50/2]; Sections 8a and 11 of the Livestock Auction Market Law [225 ILCS 640/8a and 11]; Section 2.3 of the Poultry Inspection Act [510 ILCS 85/2.3]; Section 5 of the Illinois Pseudorabies Control Act [510 ILCS 90/5].
- 5) Effective Date of amendments: January 12, 1996
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this proposed amendment contain incorporations by reference? Yes
- 8) Date Filed in Agency's Principal Office: January 12, 1996
- 9) Notices of Proposal Published in Illinois Register: September 15, 1995, 19 Ill. Reg. 12776
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Differences between proposal and final version: The definitions have been placed in alphabetical order, and nonsubstantive editorial corrections were made.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this amendment replace an emergency amendment in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of amendments: Due to reorganization within the Department, all references to Division are changed to Department. Cites to the Code of Federal Regulations and Uniform Methods and Rules have been updated to reflect the most current printed versions of these

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publications. The definition of "State Inspector" has been updated to include the current title in use under the State's Personnel Code.

The definition of "health certificate" is amended to limit the effective date of the document to 30 days after issuing (except for exhibition sheep and Illinois swine which is 90 days). The thirty days effective date has been the norm for health certificates but had never been addressed in the regulations.

The definition of "feeder swine" is changed to redefine feeders as animals under four months of age. This definition is currently in use by industry so this amendment will bring Department regulations in line with current practices.

The definition of infected, positive or reactor animal has been expanded to make the final determination of the status of an animal by a state or federal epidemiologist. This allows for interpretation of test results, as there are several tests available for a single disease, and the animal may be positive on one test and negative on another.

16) Information and questions regarding this adopted amendment shall be directed to:

Name: Debbie Wakefield  
Address: Illinois Department of Agriculture  
State Fairgrounds  
Springfield, Illinois 62794-9281  
Telephone: 217/785-5713 FAX: 217/785-4505

The full text of Adopted Amendments begins on the next page:

## DEPARTMENT OF AGRICULTURE

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TITLE 8: AGRICULTURE AND ANIMALS  
CHAPTER I: DEPARTMENT OF AGRICULTURE  
SUBCHAPTER b: ANIMALS AND ANIMAL PRODUCTS  
(EXCEPT MEAT AND POULTRY INSPECTION ACT REGULATIONS)

PART 20  
DEFINITIONS

Section  
20.1 Definitions

**AUTHORITY:** Implementing and authorized by Section 15 of the Illinois Swine Disease Control and Eradication Act [510 ILCS 100/15]; Section 15 of the Illinois Feeder Swine Dealer Licensing Act [225 ILCS 620/15]; Section 15 of the Illinois Livestock Dealer Licensing Act [225 ILCS 645/15]; Section 18 of the Illinois Bovine Tuberculosis Eradication Act [510 ILCS 35/18]; Section 10 of the Illinois Bovine Brucellosis Eradication Act [510 ILCS 30/10]; Section 7 of the Illinois Swine Brucellosis Eradication Act [510 ILCS 95/7]; Section 12 of the Illinois Dead Animal Disposal Act [225 ILCS 610/12]; Section 2 of the Illinois Diseased Animals Act [510 ILCS 50/2]; Sections 8a and 11 of the Livestock Auction Market Law [225 ILCS 640/8a and 11]; Section 2.3 of the Poultry Inspection Act [510 ILCS 85/2.3]; and Section 5 of the Illinois Pseudorabies Control Act [510 ILCS 90/5].

**SOURCE:** Regulations Relating to the Bureau of Animal Health and the Bureau of Animal Welfare, Definitions, filed January 27, 1966, effective January 27, 1966; amended May 3, 1972, effective May 14, 1972; codified at 5 Ill. Reg. 10437; amended at 8 Ill. Reg. 5915, effective April 23, 1984; amended at 9 Ill. Reg. 18404, effective November 19, 1985; amended at 10 Ill. Reg. 9747, effective May 21, 1986; amended at 12 Ill. Reg. 8275, effective May 2, 1988; amended at 18 Ill. Reg. 1844, effective January 24, 1994; amended at 20 Ill. Reg. 15224, effective JAN 2 1996.

Section 20.1 Definitions

"Accredited veterinarian" means a veterinarian who is licensed by the state in which he practices, is approved by the animal health authority of that state, and is accredited by the United States Department of Agriculture.

"Animal and Plant Health Inspection Service" means the Animal and Plant Health Inspection Service of the United States Department of Agriculture.

"Approved health certificate" means one that has been so endorsed by the Animal Health Official of the state of origin.

"Approved laboratory" means one of the animal disease laboratories



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operated by the Department, the State-Federal Serology Laboratory, the Laboratories of Veterinary Diagnostic Medicine at the College of Veterinary Medicine, University of Illinois, or a laboratory approved by the Animal Health Official of the exporting state to conduct official tests.

"Brucellosis" means the disease wherein an animal is infected with Brucella micro-organisms irrespective of the occurrence or absence of clinical signs.

"Certified Brucellosis-Free Herd" means one in which at least two annual negative official tests for brucellosis have been conducted on all animals in the herd 6 months of age or over and for which a certificate has been issued by the Animal Health Official of the state of origin and the Animal and Plant Health Inspection Service.

"Consignment" means a document issued by the owner or shipper of livestock, designating the name of the owner and/or shipper; place of origin; stockyard, packing plant, or marketing center of destination; date of shipment; and number and description of livestock, certified to by the owner or shipper, kept in possession of the carrier and delivered to a stockyard, packing plant, or marketing center of destination upon acceptance. This consignment shall be held by the stockyard, packing plant, or marketing center for a period of not less than six months for inspection by the legally authorized officials of the United States Department of Agriculture and the Department and other officials having police powers.

"Contagious disease" means a specific infectious disease which is readily transmitted from host to host by direct contact or by means of intermediate hosts.

"Department" or "Department of Agriculture", unless otherwise indicated, means the Department of Agriculture of the State of Illinois.

"Director" means the Director of the Illinois Department of Agriculture.

"Federal Inspector" means an Animal Health Technician employed by the Animal and Plant Health Inspection Service of the United States Department of Agriculture.

"Feeder female cattle" means female bovines 6-18 months of age that have not been tested for brucellosis prior to sale.

"Feeder swine" or "feeding swine" means swine under four months of age, weighing less than slaughter weight and not requiring testing as

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breeding swine or swine consigned directly to slaughter.

"Health certificate" or "certificate of health" or "interstate health certificate" or "certificate of veterinary inspection" means a legible record, made on an official form of the state of origin, or the Animal and Plant Health Inspection Service, and issued by an accredited veterinarian of the state of origin, a veterinarian in the employ of the Animal and Plant Health Inspection Service, or a veterinarian in the employ of the United States Armed Services, which shows that the animals or birds listed thereon meet the health requirements of the state of destination. The health certificate shall contain the name and address of the consignor, the name and address of the consignee, and an accurate description or identification of the animals or birds involved, and shall also indicate the health status of the animals or birds, including the dates and results of required tests and dates of vaccination, if any. A health certificate is valid for 30 days after issuance, except when specific exemptions are made for exhibition livestock. The two copies of the health certificate that are labeled "Division Copy" shall be submitted to the Department within 30 days after issuance.

"Infected animal", "positive animal" or "reactor" means an animal which has given a positive reaction to any official test or in which evidence of the disease has been found in the body or in the body discharges, when the animal has been classified as such by a State or Federal epidemiologist.

"Infectious disease" means the reaction resulting from the introduction into the body of a specific disease-producing organism or its toxic product.

"Infestation" or "infested with" means the invasion of the body by animal parasites.

"Market Cattle Identification Program" means the brucellosis testing program of market cattle that is part of the National Brucellosis Eradication Program (9 CFR 78 (1995)). Incorporation by reference does not include any later amendments or editions beyond the date specified. In accordance with the authority stated in the Illinois Bovine Brucellosis Eradication Act (510 ILCS 30/21), the Department has entered into a cooperative agreement with the United States Department of Agriculture to identify brucellosis infected herds.

"Marketing Center" means a licensed livestock auction market that has been designated as a "Specifically Approved Stockyard" by the Department and the United States Department of Agriculture (9 CFR 78.44 (1995)). Incorporation by reference does not include any later amendments or editions beyond the date specified. Marketing Centers

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shall enter into a Memorandum of Understanding with the United States Department of Agriculture and the Department and comply with the standards set forth in that Memorandum.

"Negative exposed cattle" means a test negative animal in an infected herd.

"Official test" means any test for the detection of a reportable disease in Illinois as defined in 8 Ill. Adm. Code 85.10, approved by the Department and the Animal and Plant Health Inspection Service, which is based on a standard test that is approved by the American Association of Veterinary Laboratory Diagnosticians and the United States Department of Agriculture and conducted in an approved laboratory.

"Public stockyard" means a stockyard where trading in livestock is conducted, where yarding, feeding, and watering facilities are provided by the stockyard, transportation, or similar company, and where State and/or Federal inspection is maintained for the inspection of livestock for communicable disease, such as National Stockyards located at East St. Louis and Peoria Union Stockyards located at Peoria.

"Quarantine" means a condition in which one or more animals shall be kept separate and apart from and not allowed to come in contact in any way with other animals.

"Recognized slaughtering establishment" means an establishment where slaughtering is conducted under Federal or State inspection.

"Restriction" or "restricted" means a condition in which one or more animals shall be kept on certain designated premises and shall not be allowed to come in contact in any way with animals from other premises.

"Ring test" or "brucellosis ring test (BRM)", means the diagnostic test of milk or cream to detect the presence of brucellosis in the herd in which such milk or cream sample was produced.

"State Inspector" means an Animal Health Inspector or Animal and Animal Products Investigator employed by the Illinois Department of Agriculture.

"Suspicious animal" or "suspect" means an animal that has given a positive reaction to an official test and whose test results are less than that which would result in a classification of reactor.

"Tuberculosis-free Accredited Herd" means one for which a certificate

## DEPARTMENT OF AGRICULTURE

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of accreditation has been issued by the Animal Health Official of the state of origin and the Animal and Plant Health Inspection Service.

a) The term "Department" or "Department of Agriculture" unless otherwise indicated, means the Department of Agriculture of the State of Illinois.

b) The term "Division" or "Division of Animal Industries" means the Division of Animal Industries of the Illinois Department of Agriculture.

c) The term "Animal and Plant Health Inspection Service" means the Animal and Plant Health Inspection Service of the United States Department of Agriculture.

d) The term "Brucellosis" means the disease wherein an animal is infected with Brucella microorganisms irrespective of the occurrence or absence of clinical signs.

e) The term "official test" means any test for the detection of a reportable disease in Illinois as defined in 8 Ill. Adm. Code 85.10 approved by the Department and the Animal and Plant Health Inspection Service which is based on a standard test which is approved by the American Association of Veterinary Laboratory Diagnosticians and the United States Department of Agriculture and conducted in an approved laboratory.

f) The term "suspicious animal" or "suspect" means an animal which has given a positive reaction to an official test and whose test results are less than that which would result in a classification of reactor.

g) The term "infected animal", "positive animal" or "reactor" means an animal which has given a positive reaction to any official test or in which evidence of the disease has been found in the body or in the body discharges.

h) The term "Approved laboratory" means one of the animal disease laboratories operated by the Division, the State Federal Serology Laboratory, the Laboratories of Veterinary Diagnostic Medicine at the College of Veterinary Medicine, University of Illinois, or a laboratory approved by the Animal Health Official of the exporting state to conduct official tests.

i) The term "Ring test" or "BRM" means brucellosis ring test means the diagnostic test of milk or cream to detect the presence of brucellosis in the herd in which such milk or cream sample was produced.

j) "Infectious disease" means the reaction resulting from the



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introduction into the body of a specific disease-producing organism or its toxic product:

k) "Contagious disease" means a specific infectious disease which is readily transmitted from host to host by direct contact or by means of intermediate hosts;

l) the term "infestation" or "infested with" means the invasion of the body by animal parasites;

m) the term "quarantine" means a condition in which one or more animals shall be kept separate and apart from and not allowed to come in contact in any way with other animals;

n) the term "restriction" or "restricted" means a condition in which one or more animals shall be kept on certain designated premises and shall not be allowed to come in contact in any way with animals from other premises;

o) A "Certified-Brucellosis-Free-Herd" is one in which at least two annual negative official tests for brucellosis have been conducted on all animals in the herd 6 months of age or over and for which a certificate has been issued by the Animal Health Officer of the state of origin and the Animal and Plant Health Inspection Service;

p) A "veterinarian-free-Accredited-Herd" is one for which a certificate of accreditation has been issued by the Animal Health Officer of the state of origin and the Animal and Plant Health Inspection Service;

q) the term "Accredited-veterinarian" means a veterinarian who is licensed by the state in which he practices is approved by the animal health authority of that state and is accredited by the United States Department of Agriculture;

r) A "Recognized-slaughtering-establishment" is an establishment where slaughtering is conducted under Federal or State inspection;

s) the term "public stockyards" means a stockyards where trading in livestock is conducted where yarding feeding watering and watering facilities are provided by the stockyard transportation or similar company and where State and/or Federal inspection is maintained for the inspection of livestock for communicable diseases such as National Stockyards located at East St. Louis and Peoria Union Stockyards located at Peoria;

t) A "Marketing-Enter" is a licensed livestock auction market which has been designated as a "Specifically-Approved-Stockyard" by the Department and the United States Department of Agriculture;

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70-44-(1937)-incorporation by reference does not include any later amendments or editions beyond the date specified; Marketing-Enter shall enter into a Memorandum of Understanding with the United States Department of Agriculture and the Department and comply with the standards set forth in that Memorandum;

u) A "consignment" means a document issued by the owner or shipper of livestock designating the name of the owner and/or shipper place of origin stockyard packing plant or marketing center of destination date of shipment and number and description of livestock certified to by the owner or shipper kept in possession of the carrier and delivered to a stockyard packing plant or marketing center of destination upon acceptance; This consignment shall be held by the stockyard packing plant or marketing center for a period of not less than six months for inspection by the legally authorized officials of the United States Department of Agriculture and the Department and other officials having police powers;

v) The term "Health certificate" or "certificate of health" or "interstate health certificate" or "certificate of veterinary inspection" means a legible record made on an official form of the state of origin or the Animal and Plant Health Inspection Service and issued by an accredited veterinarian of the state of origin a veterinarian in the employ of the Animal and Plant Health Inspection Service or a veterinarian in the employ of the United States Armed Services which shows that the animals or birds listed thereon meet the health requirements of the state of destination; the health certificate shall contain the name and address of the consignor the name and address of the consignee and an accurate description or identification of the animals or birds involved; and shall also indicate the health status of the animals or birds including the dates and results of required tests and dates of vaccination; if any the two copies of the health certificate that are filed with the copy shall be submitted to the Division within 30 days of issuance;

w) An Approved health certificate is one that has been so endorsed by the Animal Health Officer of the state of origin;

x) the term "State Inspector" means an Animal Health Inspector employed by the Division of Animal Industries of the Illinois Department of Agriculture;

y) the term "Federal Inspector" means an Animal Health Inspector employed by the Animal and Plant Health Inspection Service of the United States Department of Agriculture;

z) the term "breed female cattle" means female bovines 6 to 18 months of age which have not been tested for brucellosis prior to sale;



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- aa) The term "Director" means the Director of the Illinois Department of Agriculture.
- bb) The term "Feeder swine" or "feeding swine" means swine under 6 months of age, weighing less than slaughter weight and not requiring testing as breeding swine or swine consigned directly to slaughter.
- cc) The term "Market Cattle Identification Program" means the brucellosis testing program of market cattle that is a part of the National Brucellosis Eradication Program (9-CPR-78-11993) and its incorporation by reference does not include any later amendments or editions beyond the date specified in accordance with the authority stated in the Illinois Bovine Brucellosis Eradication Act (211-Rev-Stat-1993-ch-87-par-135)-(510-1565-30/21) as amended by P.A.-88-917-effective-July 14-1993-and-P.A.-88-4577-effective-August-20-1993-the Department has entered into a cooperative agreement with the United States Department of Agriculture to identify brucellosis-infected herds.
- dd) The term "Negative-exposed cattle" means a test-negative animal in an infected herd.

(Source: Amended at 20 Ill. Reg. 1522, effective  
JAN 1 2 1994)

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- 1) Heading of the Part: Feeder Swine Dealer Licensing
- 2) Code Citation: 68 Ill. Adm. Code 590
- 3) Section Numbers: Adopted Action:  
590.5 Amendment  
590.10 Amendment  
590.30 Amendment  
590.50 Amendment  
590.100 New Section
- 4) Statutory Authority: Illinois Livestock Dealer Licensing Act [225 ILCS 620]
- 5) Effective Date of amendments: January 12, 1996
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this proposed amendment contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: January 12, 1996
- 9) Notices of Proposal Published in Illinois Register: September 15, 1995, 19 Ill. Reg. 12802
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? N/A
- 13) Will this amendment replace an emergency amendment in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of amendments: Due to reorganization within the Department, all references to "Division" are changed to "Department". References to the Illinois Revised Statutes are being deleted. A statutory amendment (see P.A. 89-154, effective July 19, 1995) requires the Department to develop the information that will be required on the feeder swine dealer license application (new Section 590.100). An amendment to Section 590.50 will require that slaughter animals be kept separate and apart from feeder swine. This is to protect the feeder swine from possible diseases that the slaughter animals may be carrying. Slaughter swine are not required to be tested for pseudorabies or brucellosis.

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- 16) Information and questions regarding this adopted amendment shall be directed to:

Name: Debbie Wakefield  
 Address: Illinois Department of Agriculture  
 State Fairgrounds  
 Springfield, Illinois 62794-9281  
 Telephone: 217/785-5713 FAX: 217/785-4505

The full text of Adopted Amendments begins on the next page:

## DEPARTMENT OF AGRICULTURE

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TITLE 68: PROFESSIONS AND OCCUPATIONS  
 CHAPTER II: DEPARTMENT OF AGRICULTURE

## PART 590

## FEEDER SWINE DEALER LICENSING

## Section

## 590.5 Definitions

- 590.10 Permanent Place of Business
- 590.20 Agents (Repealed)
- 590.30 Imported Feeder Swine
- 590.40 Ear Tagging (Repealed)
- 590.50 Duties of a Licensed Swine Dealer
- 590.60 Maintenance of Records (Repealed)
- 590.70 Surety Bonds (Repealed)
- 590.80 Surety Bonds and Other Pledged Securities
- 590.90 Feeder Swine Purchase and Movement Restrictions
- 590.100 License Application

AUTHORITY: Implementing and authorized by the Illinois Feeder Swine Dealer Licensing Act [225 ILCS 620].

SOURCE: Rules and Regulations Relating to Feeder Swine Dealer Licensing Act, filed January 17, 1972, effective January 27, 1972; filed July 18, 1972, effective July 28, 1972; Authority Note amended 2 Ill. Reg. 34, pg. 177, effective August 24, 1978; codified at 5 Ill. Reg. 10571; amended at 10 Ill. Reg. 10087, effective May 21, 1986; amended at 18 Ill. Reg. 1865, effective January 24, 1994; amended at 20 Ill. Reg. 1532, effective JAN 12 1996.

## Section 590.5 Definitions

- a) Words in the singular form shall be deemed to include the plural, words in the masculine form shall be deemed to include the feminine form, and vice versa, as the case may require.
- b) The definitions for this Part shall be as set forth in the general definitions Section (8 Ill. Adm. Code 20.1). Also, the following definition shall apply to this Part:

"Act" means the Illinois Feeder Swine Dealer Licensing Act (225 ILCS 620-19917-chr-1117-par-201-et-seq) [225 ILCS 620].

(Source: Amended at 20 Ill. Reg. 1532, effective JAN 12 1996)

## Section 590.10 Permanent Place of Business

Licensed feeder swine dealers shall have a permanent place of business and

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facilities for the holding of swine on his premises, subject to approval of the Department Division.

(Source: Amended at 20 Ill. Reg. 1532, effective JAN 1 2 1996)

## Section 590.30 Imported Feeder Swine

Feeder swine imported into Illinois shall be accompanied by a health certificate and permit, in compliance with Sections 10 and 11 of the Illinois Swine Disease Control and Eradication Act (333-Rev.-Stat.-1993-CH--87-para-510-and-511) (510 ILCS 100/10 and 11) and the rules relating to importation of feeding swine (8 Ill. Adm. Code 105.10 and 105.20).

(Source: Amended at 20 Ill. Reg. 1532, effective JAN 1 2 1996)

## Section 590.50 Duties of a Licensed Swine Dealer

- a) Licensee under this Act shall provide suitable facilities at his place of business for yarding, feeding and watering of swine, and shall protect swine from inclement weather conditions at all times while they are on his premises.
- b) Sanitation of feeding, watering, and other facilities shall be maintained at all times.
- c) All floors shall be concrete or other hard surface as approved by the Department.
- d) No swine showing clinical or physical evidence of disease may be sold.
- e) Premises shall be opened for inspection by authorized Department inspectors.
- f) A feeder swine dealer or his agent shall in no way act as a peddler of feeder swine by traveling about from place to place with feeder swine in his possession, offering to sell, trade, give away, barter, exchange or dispose of them in any manner.
- g) Any slaughter swine on the premises must be kept separate and apart from any breeding or feeder swine.

(Source: Amended at 20 Ill. Reg. 1532, effective JAN 1 2 1996)

## Section 590.100 License Application

Applications by individuals for original licenses shall be made to the Department in writing on forms prescribed by the Department and shall be accompanied by the required bond and required fee which shall not be returnable. Any such application shall require such information as in the judgement of the Department will enable the Department to pass on the qualifications of the applicant for a license. This information shall include:

## DEPARTMENT OF AGRICULTURE

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but need not be limited to, information regarding legal address of the applicant, partners, corporate officers, managers, location(s) of holding facilities (if any), names and addresses of agents, bank and professional references, present and previous business connections and experience, whether any license dealing with the handling of livestock has ever been suspended or revoked, and whether the applicant ever has been convicted of a felony. Such felony convictions may be taken into consideration by the Department in determining qualifications for licensing but shall not operate as a bar to licensing.

(Source: Added at 20 Ill. Reg. 1532, effective JAN 1 2 1996)



DEPARTMENT OF AGRICULTURE  
NOTICE OF ADOPTED AMENDMENTS

Springfield, Illinois 62794-9281  
Telephone: 217/785-5713 FAX: 217/785-4505

The full text of Adopted Amendments begins on the next page:

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NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Hatcheries, Poultry Flocks, and Produce Thereof

2) Code Citation: 8 Ill. Adm. Code 55

3) Section Numbers:	Adopted Action:
55.10	Amendment
55.40	Amendment
55.45	Amendment
55.50	Amendment
55.90	Amendment
55.100	Amendment

4) Statutory Authority: Poultry Inspection Act [510 ILCS 85]

5) Effective Date of amendments: January 12, 1996

6) Does this rulemaking contain an automatic repeal date? No

7) Does this proposed amendment contain incorporations by reference? Yes

8) Date Filed in Agency's Principal Office: January 12, 1996

9) Notices of Proposal Published in Illinois Register: September 15, 1995,  
19 Ill. Reg. 12807

10) Has JCAR issued a Statement of Objections to these rules? No

11) Differences between proposal and final version: None

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? N/A

13) Will this amendment replace an emergency amendment in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of amendments: References to the Illinois Compiled Statutes have been added, and cites to the Code of Federal Regulations have been updated to reflect the most current printed version of these documents. The U. S. Department of Agriculture, under the National Poultry Improvement Plan, has changed the name of the U.S. Sanitation Monitored program to U.S. S. Enteritidis (corrected in Section 55.10(b)).

16) Information and questions regarding this adopted amendment shall be directed to:  
Debbie Wakefield  
Illinois Department of Agriculture  
State Fairgrounds

## DEPARTMENT OF AGRICULTURE

## NOTICE OF ADOPTED AMENDMENTS

TITLE 8: AGRICULTURE AND ANIMALS  
CHAPTER I: DEPARTMENT OF AGRICULTURE  
SUBCHAPTER b: ANIMALS AND ANIMAL PRODUCTS  
(EXCEPT MEAT AND POULTRY INSPECTION ACT REGULATIONS)

## PART 55

## HATCHERIES, POULTRY FLOCKS, AND PRODUCE THEREOF

## Section

- 55.5 Definitions
- 55.10 Shipments of Poultry or Hatching Eggs
- 55.20 Infected Flock
- 55.30 Classification of Flock
- 55.40 Breeding Poultry
- 55.45 Turkeys
- 55.50 Persons Who May Perform the Test
- 55.60 Inspection
- 55.70 Show and Exhibition Birds
- 55.80 Banding
- 55.90 Sanitation
- 55.100 Administrative Hearing

AUTHORITY: Implementing and authorized by the Poultry Inspection Act (510 ILCS 85).

SOURCE: Regulations Relating to Hatcheries, Poultry Flocks, and the Produce Thereof, filed January 17, 1972, effective January 27, 1972; amended at 3 Ill. Reg. 33, p. 343, effective August 17, 1979; codified at 5 Ill. Reg. 10446; amended at 8 Ill. Reg. 5929, effective April 23, 1984; amended at 9 Ill. Reg. 18423, effective November 19, 1985; amended at 16 Ill. Reg. 11766, effective July 8, 1992; amended at 20 Ill. Reg. 1537, effective JAN 12 1996.

## Section 55.10 Shipments of Poultry or Hatching Eggs

- a) All shipments of poultry or hatching eggs entering or moving within Illinois shall:
  - 1) be accompanied by a "Report of Sales of Hatching Eggs, Chicks and Poults" (VS Form 9-3); or
  - 2) be accompanied by a Certificate of Veterinary Inspection approved by the chief livestock official of the state of origin which states that the poultry originated from a flock that has been tested for pullorum and typhoid diseases within one year and was free of reactors to these diseases.
- b) In addition to the above requirements, all poultry or hatching eggs entering or moving within Illinois for table egg production shall originate from a flock that meets the U.S. S. Enteritidis H-9-Sanitation---Monitored requirements under the National Poultry

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Improvement Plan (9 CFR 145, 1995 #991) and Auxiliary Provisions on National Poultry Improvement Plan (9 CFR 147, 1995 #991). Incorporation of federal rules does not include later amendments or editions.

(Source: Amended at 20 Ill. Reg. 1537, effective JAN 12 1996).

## Section 55.40 Breeding Poultry

- a) All breeding poultry (20 weeks of age or older) must be tested and comply with the National Poultry Improvement Plan (9 CFR 145 (1995 #991)) and Auxiliary Provisions on National Poultry Improvement Plan (9 CFR 147 (1995 #991)) for pullorum-typhoid. The Department participates in the National Poultry Improvement Plan as an Official State Agency cooperating through a Memorandum of Understanding. Incorporation of federal rules does not include later amendments or editions.
- b) The Department only requires compliance with the expressed requirements of the National Poultry Improvement Plan in order for a participant to be in compliance with the Plan, except as provided for in this Part.

(Source: Amended at 20 Ill. Reg. 1537, effective JAN 12 1996).

## Section 55.45 Turkeys

- a) All turkeys entering Illinois and not consigned to slaughter must originate from flocks or hatcheries that are officially classified as U. S. Mycoplasma Gallisepticum Clean in accordance with the provisions of the National Poultry Improvement Plan (9 CFR 145.43(c) (1995 #991)) or be negative to a test for Mycoplasma gallisepticum within 30 days prior to entry. Incorporation by reference shall not include later amendments or editions beyond the date specified.
- b) Hatching eggs entering Illinois shall originate from hatcheries or flocks that are officially classified as U. S. Mycoplasma Gallisepticum Clean.
- c) Turkeys and hatching eggs entering Illinois shall be accompanied by a health certificate which shall indicate either that the turkeys are negative to a test for Mycoplasma gallisepticum or that they originated from U. S. Mycoplasma Gallisepticum Clean flocks or hatcheries.

(Source: Amended at 20 Ill. Reg. 1537, effective JAN 12 1996).

Section 55.50 Persons Who May Perform the Test

DEPARTMENT OF AGRICULTURE  
NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Illinois Pseudorabies Control Act

2) Code Citation: 8 Ill. Adm. Code 115

3) Section Numbers: Adopted Action:  
115.10 Amendment  
115.80 Amendment  
115.100 Amendment

4) Statutory Authority: Illinois Pseudorabies Control Act [510 ILCS 90]

5) Effective Date of amendments: January 12, 1996

6) Does this rulemaking contain an automatic repeal date? No

7) Does this proposed amendment contain incorporations by reference? Yes

8) Date Filed in Agency's Principal Office: January 12, 1996

9) Notices of Proposal Published in Illinois Register: September 15, 1995,  
19 Ill. Reg. 12821

10) Has JCARE issued a Statement of Objections to these rules? No

11) Differences between proposal and final version: None

12) Have all the changes agreed upon by the agency and JCARE been made as indicated in the agreement letter issued by JCARE? N/A

13) Will this amendment replace an emergency amendment in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of amendments: Due to reorganization within the Department, all references to Division are changed to Department. Cites to the Code of Federal Regulations and the Pseudorabies Eradication State-Federal-Industry Program Standards have been updated to reflect the most current printed versions of these publications.

16) Information and questions regarding this adopted amendment shall be directed to:

Name: Debbie Wakefield  
Address: Illinois Department of Agriculture  
State Fairgrounds  
Springfield, Illinois 62794-9281  
Telephone: 217/785-5713 FAX: 217/785-4505

The full text of Adopted Amendments begins on the next page:

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Persons officially approved by the Department may perform the stained-antigen, rapid, whole-blood test for pullorum-typhoid. Approval shall be given by the Department after the applicant has orally described and physically demonstrated proper testing procedures (found at 9 CFR 147.3 (1995 +99+)) to Department inspectors, veterinarians or laboratory personnel and has correctly interpreted test results. Each individual authorized to perform the test in the State will be sent a card showing their authorization to perform the test.

(Source: Amended at 20 Ill. Reg. 1537, effective  
JAN 12 1996)

Section 55.90 Sanitation

Participants in the National Poultry Improvement Plan shall comply with the sanitation requirements prescribed in Subpart C of 9 CFR 147 (1995 +99+), except that the Department accepts any fumigant that is registered by the United States Environmental Protection Agency and for which the manufacturer's label specifies the product is for egg sanitation or cleaning of poultry equipment.

(Source: Amended at 20 Ill. Reg. 1537, effective  
JAN 12 1996)

Section 55.100 Administrative Hearing

All decisions and actions of the Department are subject to the Illinois Administrative Procedure Act (1991-Rev--Stat--1991-CH--127--PARA--1001-I-ET SEQ-- 5 ILCS 100) and the Department's Administrative Rules (8 Ill. Adm. Code 1) which pertain to administrative hearings, petitions, proceedings, contested cases, declaratory rulings and availability of Department files for public access. Administrative hearings are governed by the Illinois Administrative Procedure Act and Subpart B of the Department's Administrative Rules.

(Source: Amended at 20 Ill. Reg. 1537, effective  
JAN 12 1996)



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## PART 115

## ILLINOIS PSEUDORABIES CONTROL ACT

## Section

- 115.10 Definitions  
115.15 Incorporation by Reference  
115.20 Pseudorabies Quarantines  
115.30 General Requirements for Qualified Pseudorabies Negative, Negative Gene-Altered Vaccinated and Feeder Swine Pseudorabies Monitored Herds  
115.40 Requirements for Establishing and Maintaining Qualified Pseudorabies Negative Herds  
115.50 Requirements for Establishing and Maintaining Pseudorabies Negative Gene-Altered Vaccinated Swine Herds  
115.60 Requirements for Establishing and Maintaining Feeder Swine Pseudorabies Monitored Herds  
115.70 Pseudorabies Test Requirements for Intrastate Movement  
115.80 Pseudorabies Testing of Feeder Swine  
115.90 Feeder Swine  
115.100 Breeding Animals Consigned to Slaughter

AUTHORITY: Implementing and authorized by the Illinois Pseudorabies Control Act [510 ILCS 90].

SOURCE: Adopted at 12 Ill. Reg. 3394, effective January 22, 1988; amended at 13 Ill. Reg. 3685, effective March 13, 1989; amended at 14 Ill. Reg. 1935, effective January 19, 1990; amended at 14 Ill. Reg. 5065, effective March 21, 1990; amended at 14 Ill. Reg. 15318, effective September 10, 1990; amended at 16 Ill. Reg. 11781, effective July 8, 1992; emergency amendment at 17 Ill. Reg. 5906, effective March 17, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 14006, effective August 16, 1993; amended at 20 Ill. Reg. 1542, effective JAN 12 1996.

## Section 115.10 Definitions

The definitions for this Part shall be as set forth in the general definitions Section (8 Ill. Adm. Code 20.1). Also, the following definitions shall apply to this Part:

"Act" means the Illinois Pseudorabies Control Act [510 ILCS 90] ~~Rev.-Stat.-1991-7-ch-67-part-801-et-seq-7-as-amended-by-P.A.-87-157 effective January 17, 1994.~~

"Official test" or "test" means any serologic test for the detection

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of pseudorabies (serum neutralization (SN), for example) as approved by the United States Department of Agriculture (9 CFR 85.1, 1995) 1991 and conducted in an approved laboratory.

(Source: Amended at 20 Ill. Reg. 1542, effective JAN 12 1996)

## Section 115.80 Pseudorabies Testing of Feeder Swine

- a) Swine for feeding purposes shall, in addition to complying with the other requirements of this Part and 8 Ill. Adm. Code 105.10, enter or move within Illinois without further testing requirements for pseudorabies if:

- 1) The swine are from a qualified pseudorabies negative herd, a pseudorabies negative gene-altered vaccinated herd, or a feeder swine pseudorabies monitored herd; or
  - 2) The swine are from a herd in which a representative sample of animals 6 months of age and over have been tested and are negative to an official serological test for pseudorabies within the preceding 12 months. In herds of 35 animals or less, a representative sample is all swine 6 months of age and over or at least 10 animals, whichever is less. In herds of 36 animals or more, a representative sample is a minimum of 30 percent or 30 animals that are 6 months of age and over, whichever is less; or
  - 3) The swine originate from a state that has been classified as Stage III, IV or V under the Pseudorabies Eradication State-Federal-Industry Program Standards (Jan., 1995) 1991 as approved by the United States Animal Health Association (P.O. Box 28176, Suite 205, 6924 Lakeside Avenue, Richmond, Virginia 23228-0176) or originate from a country that meets the requirements for Stage V. If there are multiple pseudorabies classifications within a state, the lowest classification shall be recognized by this Department as the classification for that entire state.
- b) Swine tested for pseudorabies under a market swine testing program (Section 115.100) shall be included in the representative sample required in subsection (a)(2).

(Source: Amended at 20 Ill. Reg. 1542, effective JAN 12 1996)

## Section 115.100 Breeding Animals Consigned to Slaughter

Before being mixed with swine from any other source, all breeding animals consigned to slaughter or offered for sale for slaughter shall be identified to the herd of origin by an approved identification tag in accordance with the Swine Identification Program (9 CFR 78.33, 1995) 1991. The tag shall be applied to the back of the neck of each animal. A report of such

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identification shall be made on forms provided by the United States Department of Agriculture and shall be submitted to the Department Division within 30 days of application. If such swine are slaughtered in Illinois, the management of the Illinois slaughter facility shall, upon written request from the Department or from the U.S. Department of Agriculture, provide for or permit the collection of blood samples for testing from the identified swine.

(Source: Amended at 20 Ill. Reg. 1542, effective  
JAN 12 1996)

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- 1) Heading of the Part: Livestock Auction Markets
- 2) Code Citation: 8 Ill. Adm. Code 40
- 3) Section Numbers: Adopted Action:  
40.5 Amendment  
40.60 Amendment  
40.120 Amendment  
40.130 Amendment  
40.160 Amendment  
40.170 Amendment  
40.190 Amendment
- 4) Statutory Authority: Livestock Auction Market Law [225 ILCS 640] and Section 40.23 of the Civil Administrative Code of Illinois [20 ILCS 205/40.23]
- 5) Effective Date of amendments: January 12, 1996
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this proposed amendment contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: January 12, 1996
- 9) Notices of Proposal Published in Illinois Register: September 15, 1995, 19 Ill. Reg. 12826
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? N/A
- 13) Will this amendment replace an emergency amendment in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of amendments: Due to reorganization within the Department, all references to "Division" are changed to "Department". An allowance has been made to allow the movement of feeder swine into Illinois without an identification tag as long as they are not commingled with feeder swine from another location or owner before arrival. The hogs are immediately tagged upon arrival at the market to allow for the tracing of the animal back to the herd of origin. This will facilitate the flow of out-of-state feeder swine entering Illinois markets.

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16) Information and questions regarding this adopted amendment shall be directed to:  
Name: Debbie Wakefield  
Address: Illinois Department of Agriculture  
State Fairgrounds, Springfield,  
Illinois 62794-9281  
Telephone: 217/785-5713 FAX: 217/785-4505

The full text of Adopted Amendments begins on the next page:

DEPARTMENT OF AGRICULTURE  
NOTICE OF ADOPTED AMENDMENTS  
TITLE 8: AGRICULTURE AND ANIMALS  
CHAPTER I: DEPARTMENT OF AGRICULTURE  
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PART 40  
LIVESTOCK AUCTION MARKETS

Section	Definitions
40.5	Definitions
40.10	Fee to Accompany Application Not To Be Refunded
40.20	Release of Livestock for Interstate Shipment
40.30	Veterinary Inspection
40.40	Veterinary Office
40.50	Detection of Diseased Animals
40.60	Bovine Brucellosis
40.70	Quarantine Pen
40.80	The Sale of Livestock for Immediate Slaughter
40.90	Test Chute
40.100	Brucellosis Test
40.110	Sale of Official Brucellosis Calfood Vaccinates
40.120	Feeder Cattle Subject to Quarantine
40.130	Backtagging
40.140	Yarding and Housing
40.150	Display License (Repealed)
40.160	Sale Day
40.170	Swine
40.180	Swine Which React to Test for Brucellosis
40.190	Sheep
40.200	Surety Bonds and Other Pledged Security
40.210	Cancellation of Escrow Agreements (Personal Bonds) (Repealed)
40.220	Swine Movement Limitations (Repealed)
40.230	Disposition of Rejected Feeding or Breeding Swine
40.240	Director To Be Named Trustee (Repealed)

AUTHORITY: Implementing and authorized by the Livestock Auction Market Law [225 ILCS 640] and Section 40.23 of the Civil Administrative Code of Illinois [20 ILCS 205/40.23].

SOURCE: Regulations Relating to Livestock Auction Markets, filed January 17, 1972, effective January 27, 1972; filed May 3, 1972, effective May 13, 1972; filed December 14, 1973, effective December 24, 1973; filed March 2, 1976, effective March 12, 1976; amended at 2 Ill. Reg. 24, p. 73, effective June 15, 1978; codified at 5 Ill. Reg. 10442; amended at 8 Ill. Reg. 5956, effective April 23, 1984; amended at 10 Ill. Reg. 9754, effective May 21, 1986; amended at 12 Ill. Reg. 3411, effective January 22, 1988; amended at 14 Ill. Reg. 1943, effective January 19, 1990; amended at 16 Ill. Reg. 11793, effective July 8, 1992; amended at 18 Ill. Reg. 1869, effective January 24, 1994; amended at 20



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Ill. Reg. 1546, effective JAN 12 1996.

Section 40.5 Definitions

Definitions for the rules of this Part can be located in the general definitions Section (8 Ill. Adm. Code 20.1). The following definition shall also apply to the rules of this Part:

"Act" means the Livestock Auction Market Law (410 ILCS 640).  
~~ch--121-1/27-par--298-et-seq-7~~ [225 ILCS 640].

(Source: Amended at 20 Ill. Reg. 1546, effective JAN 12 1996.)

Section 40.60 Bovine Brucellosis

a) Cattle which, upon being tested for brucellosis at a livestock auction market, are classified as reactors to the official test shall be placed in the quarantine pen and sold for immediate slaughter.

b) The reactors when sold for slaughter shall be delivered to a public stockyard or recognized slaughtering establishment and be positively identified and branded as provided by Section 5 of the Illinois Bovine Brucellosis Eradication Act (410 ILCS 1991-CH-87-PAR-138) [510 ILCS 30/5 as amended by P.A. 88-917 effective July 14, 1993--and P.A. 88-457, effective August 20, 1993]. The purchaser of the reactors shall sign a VS Form 1-27, "Permit For Movement of Animals." Illinois brucellosis reactors disclosed at other than a livestock auction market may be consigned to a livestock auction market designated as a marketing center if accompanied by official VS Form 1-27, "Permit For Movement of Animals". A new VS Form 1-27 shall be prepared by the livestock auction market veterinarian and shall accompany the reactor to slaughter.

c) When one or more brucellosis reactors are disclosed in a group of cattle, the negative cattle which have been in contact with the reactors for more than 24 hours shall be either returned to the farm of origin under quarantine OR shipped directly to a recognized slaughtering establishment or a public stockyard, accompanied by VS Form 1-27 to be sold for slaughter only. Unless cattle are being returned to the farm of origin, they shall be identified by an ear tag provided by the Department Division and by branding with a hot iron the letter "S" on the left jaw in letters not less than 2 nor more than 3 inches in height, before the cattle leave the livestock auction market.

(Source: Amended at 20 Ill. Reg. 1546, effective JAN 12 1996.)

Section 40.120 Feeder Cattle Subject to Quarantine

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All female cattle of beef breeds over 6 and under 18 months of age sold or released from a livestock auction market for feeding or grazing purposes are subject to quarantine (8 Ill. Adm. Code 75.130) and shall be reported on Form M-107 Revised to the Department Division following each sale or at the end of each week.

(Source: Amended at 20 Ill. Reg. 1546, effective JAN 12 1996.)

Section 40.130 Backtagging

All cattle over 2 years of age consigned to a livestock auction market shall comply with the Market Cattle Identification Program as follows:

a) Each animal shall be backtagged with an official Illinois market cattle backtag.

b) Cattle that are blood tested for brucellosis by the livestock auction market veterinarian shall have the backtag marked through with a yellow crayon or yellow paint.

c) Report of such backtagging on forms provided by the United States Department of Agriculture shall be submitted to the Department Division within 7 days of backtag application.

(Source: Amended at 20 Ill. Reg. 1546, effective JAN 12 1996.)

Section 40.160 Sale Day

The regular sale day shall be recorded with the Department Division of Animal Industries. All special sales or changes in the regular sale day shall be reported to the Department Division at least 5 days prior to such change or sale.

(Source: Amended at 20 Ill. Reg. 1546, effective JAN 12 1996.)

Section 40.170 Swine

a) In no case shall swine remain on the livestock auction market premises for more than 10 days.

b) Out-of-state feeder swine shall enter Illinois accompanied by a health certificate and a permit (8 Ill. Adm. Code 105.10) and be ear tagged to show state of origin, except that feeder swine consigned from the farm of origin directly to a federally approved market shall be tagged immediately upon arrival at the market. Such swine shall move directly into Illinois from the state of origin. A report of sale shall be made within 48 hours of the time of sale (on Form 2-5) to the Department Division of Animal Industries, stating name and address of purchaser and number of animals purchased. Such swine shall be

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quarantined to the purchaser for 21 days by the Department Division (8 Ill. Adm. Code 105.20).

- c) Ear tag identification of swine, together with the name and address of consignor and purchaser, date of sale, breed and number purchased, shall be made a part of the records of the livestock auction market before swine leave the livestock auction market.

- d) In accordance with Section 2 of the Illinois Swine Brucellosis Eradication Act (111-Rev-Stat-1991-ch-87--par-148) [225 ILCS 95/2], all breeding swine 4 months of age and over shall be negative to an official test for brucellosis within 60 days prior to sale or originate from a validated brucellosis-free herd. Such test shall be recognized for one change of ownership or premises only within the 60-day period.

(Source: Amended at 20 Ill. Reg. 1546, effective JAN 12 1996)

Section 40.190 Sheep

- a) Livestock auction market veterinarians are required to check each consignment of sheep at time of presentation at the sale to determine that to the best of their knowledge and belief the sheep are free from infectious and communicable diseases.

- b) When diseased sheep, except those exhibiting evidence of contagious foot rot, are found at a livestock auction market, the livestock auction market veterinarian shall immediately place the diseased sheep under quarantine and order the owner to return such sheep to his premises under quarantine. The livestock auction market veterinarian shall notify the Department Division of such quarantine. The quarantine will remain in effect until the Department Division receives notice of the death of the sheep, OR receives a report from a licensed veterinarian that the animal or animals have recovered and are in a healthy condition.

- c) When sheep exhibit evidence of contagious foot rot, such sheep shall be tagged with the "slaughter only" red ear tag and be accompanied directly to slaughter by Form C-24a, revised.

(Source: Amended at 20 Ill. Reg. 1546, effective JAN 12 1996)

DEPARTMENT OF AGRICULTURE  
NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Livestock Dealer Licensing

- 2) Code Citation: 68 Ill. Adm. Code 610

- 3) Section Numbers: Adopted Action:  
610.10 Amendment  
610.30 Amendment  
610.40 Amendment  
610.50 Amendment  
610.60 Amendment  
610.100 Amendment  
610.150 New Section

- 4) Statutory Authority: Illinois Livestock Dealer Licensing Act (225 ILCS 645)

- 5) Effective Date of amendments: January 12, 1996

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Does this proposed amendment contain incorporations by reference? No

- 8) Date Filed in Agency's Principal Office: January 12, 1996

- 9) Notices of Proposal Published in Illinois Register: September 15, 1995, 19 Ill. Reg. 12832

- 10) Has JCAR issued a Statement of Objections to these rules? No

- 11) Differences between proposal and final version: None

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? N/A

- 13) Will this amendment replace an emergency amendment in effect? No

- 14) Are there any amendments pending on this Part? No

- 15) Summary and Purpose of amendments: Due to reorganization within the Department, all references to "Division" are changed to "Department". References to the Illinois Revised Statutes are being deleted. The reference to "downer cows" is being deleted as these animals are now covered under the Humane Care for Animals Act [510 ILCS 70/7.5], and it is illegal to move these types of animals to an auction market. The scientific reference for cancer eye has been corrected. A statutory amendment (see P.A. 89-154, effective July 19, 1995) requires the Department to develop the information that will be required on the livestock dealer license application (new Section 610.150).

## DEPARTMENT OF AGRICULTURE

## NOTICE OF ADOPTED AMENDMENTS

16) Information and questions regarding this adopted amendment shall be

directed to:

Name: Debbie Wakefield  
Address: Illinois Department of Agriculture  
State Fairgrounds  
Springfield, Illinois 62794-9281  
Telephone: 217/785-5713 FAX: 217/785-4505

The full text of Adopted Amendments begins on the next page:

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TITLE 68: PROFESSIONS AND OCCUPATIONS  
CHAPTER II: DEPARTMENT OF AGRICULTURE

## PART 610

## LIVESTOCK DEALER LICENSING

## Section

## 610.5 Definitions

## 610.10 Entry Requirements

## 610.20 Breeding Cattle Health Requirements (Repealed)

## 610.30 Swine Health Requirements

## 610.40 Prevention of Spread of Livestock Diseases

## 610.50 Feeder Cattle

## 610.60 Slaughter Animals

## 610.70 Care of Livestock (Repealed)

## 610.80 Inspection

## 610.90 Identification Not to be Removed or Altered

## 610.100 Compliance with Market Cattle Identification Program

## 610.110 Surety Bonds and Other Pledged Security

## 610.120 Cancellation of Escrow Agreements (Personal Bonds) (Repealed)

## 610.130 Director as Trustee on Surety Bonds (Repealed)

## 610.140 Dealer's Agent (Repealed)

610.150 License Application

AUTHORITY: Implementing and authorized by the Illinois Livestock Dealer Licensing Act [225 ILCS 645].

SOURCE: Rules and Regulations Relating to the Livestock Dealer Licensing Act, filed January 17, 1972, effective January 27, 1972; amended May 3, 1972, effective May 13, 1972; June 20, 1973, effective July 1, 1973; April 5, 1976, effective April 15, 1976; amended at 2 Ill. Reg. 34, p. 166, effective August 24, 1978; codified at 5 Ill. Reg. 10573; amended at 8 Ill. Reg. 5973, effective April 23, 1984; amended at 13 Ill. Reg. 3690, effective March 13, 1989; amended at 18 Ill. Reg. 1875, effective January 24, 1994; amended at 20 Ill. Reg. 1552, effective JAN 12 1996.

## Section 610.10 Entry Requirements

All livestock imported into the State shall meet Illinois entry requirements as may be set forth in those Acts listed in Section 19.1 of the Illinois Livestock Dealer Licensing Act ~~411--Rev--Stat--1991-Ch-111, par-420-1~~ [225 ILCS 645/19.1]. Livestock dealers shall submit to the Department ~~Division~~, on Department ~~Division~~ Form M-106, weekly reports of all out-of-state livestock.

(Source: Amended at 20 Ill. Reg. 1552, effective JAN 12 1996)

## Section 610.30 Swine Health Requirements



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- a) All Illinois breeding swine 4 months of age and over purchased by a licensed livestock dealer shall comply with the Illinois Swine Brucellosis Eradication Act (1991-Rev. Stat. ch. 87, par. 1-485-et seq.) [510 ILCS 95].
- b) All breeding swine sold or purchased by a licensed livestock dealer through a livestock auction market shall comply with the requirements of the Livestock Auction Market Law and rules (8 Ill. Adm. Code 40.170(e)).

(Source: Amended at 20 Ill. Reg. 1552, effective JAN 12 1996)

## Section 610.40 Prevention of Spread of Livestock Diseases

All other species of breeding livestock, to wit: cattle and sheep, shall comply with the laws and rules as listed in Section 19.1 of the Illinois Livestock Dealer Licensing Act (1991-Rev. Stat. ch. 117, par. 420-1) [225 ILCS 645/19.1] relating to such livestock.

(Source: Amended at 20 Ill. Reg. 1552, effective JAN 12 1996)

## Section 610.50 Feeder Cattle

Livestock dealers purchasing animals for feeding purposes shall:

- a) Keep such cattle separate from breeding cattle.
- b) Submit to the Department Division a weekly report (on Department Division Form M-107) of the sale of all female feeder cattle over 6 and under 18 months of age, giving the date of each sale, number sold, age, breed, and the name and address of the purchaser.

(Source: Amended at 20 Ill. Reg. 1552, effective JAN 12 1996)

## Section 610.60 Slaughter Animals

Livestock dealers purchasing animals for slaughter purposes only (cattle, swine or sheep) shall:

- a) Keep slaughter animals isolated from all breeding and feeder animals.
- b) Be sold within 10 days of purchase direct to a public stockyard or recognized slaughter establishment under State or Federal supervision. Slaughter cattle from farm of origin may be consigned direct to a recognized slaughter establishment, or public stockyard, or licensed livestock auction market under State or Federal supervision (except the type of cattle mentioned in subsection (c) below).
- c) Maintain records on each head of livestock purchased in accordance with Section 17 of the Illinois Livestock Dealer Licensing Act (1991-Rev. Stat. ch. 117, par. 417) [225 ILCS 645/17]. Livestock

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purchased at less than prevailing market price, such as ~~downer~~ cows with squamous cell carcinoma ~~epithelioma~~ (cancer eye), crippled animals, and animals whose general physical appearance would indicate they are not healthy or are suffering from malnutrition shall be consigned directly to a recognized slaughtering establishment under State or Federal supervision.

(Source: Amended at 20 Ill. Reg. 1552, effective JAN 12 1996)

## Section 610.100 Compliance with Market Cattle Identification Program

All female cattle over 2 years of age consigned to a livestock auction market shall comply with the Market Cattle Identification Program as follows:

a) Each animal shall be backtagged by the livestock dealer with an official market cattle backtag.

- b) Reports of such backtagging shall be submitted to the Department Division on forms provided by the United States Department of Agriculture within 7 days of application of the backtag.

(Source: Amended at 20 Ill. Reg. 1552, effective JAN 12 1996)

## Section 610.150 License Application

Application by individuals for original licenses shall be made to the Department in writing on forms prescribed by the Department and shall be accompanied by the required bond and required fee which shall not be returnable. Any such application shall require such information as in the judgment of the Department will enable the Department to pass on the qualifications of the applicant for a license. This information shall include, but need not be limited to, information regarding legal address of the applicant, partners, corporation officers, managers, location(s) of holding facilities (if any), names and addresses of agents, bank and professional references, present and previous business connections and experience, whether any license dealing with the handling of livestock has ever been suspended or revoked, and whether the applicant ever has been convicted of a felony. Such felony convictions may be taken into consideration by the Department in determining qualifications for licensing, but shall not operate as a bar to licensing.

(Source: Added at 20 Ill. Reg. 1552, effective JAN 12 1996)

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## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Swine Brucellosis
- 2) Code Citation: 8 Ill. Adm. Code 100
- 3) Section Numbers: Adopted Action:  
100.10 Amendment  
100.30 , Amendment
- 4) Statutory Authority: Illinois Swine Brucellosis Eradication Act [510 ILCS 95] and the Illinois Pseudorabies Control Act [510 ILCS 90] and the Illinois Diseased Animals Act [510 ILCS 50]
- 5) Effective Date of amendments: January 12, 1996
- 6) Does this rulemaking contain an automatic-repeal date? No
- 7) Does this proposed amendment contain incorporations by reference? Yes
- 8) Date Filed in Agency's Principal Office: January 12, 1996
- 9) Notices of Proposal Published in Illinois Register: September 15, 1995, 19 Ill. Reg. 12837
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? N/A
- 13) Will this amendment replace an emergency amendment in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of amendments: Due to reorganization within the Department, all references to "Division" are changed to "Department". References to the Illinois Revised Statutes are being deleted. Cites to the Code of Federal Regulations have been updated to reflect the most current printed version of these documents.
- 16) Information and questions regarding this adopted amendment shall be directed to:  
Name: Debbie Wakefield  
Address: Illinois Department of Agriculture  
State Fairgrounds  
Springfield, Illinois 62794-9281  
Telephone: 217/785-5713 FAX: 217/785-4505

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## NOTICE OF ADOPTED AMENDMENTS

The full text of Adopted Amendments begins on the next page:

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TITLE 8: AGRICULTURE AND ANIMALS  
 CHAPTER I: DEPARTMENT OF AGRICULTURE  
 SUBCHAPTER b: ANIMALS AND ANIMAL PRODUCTS  
 (EXCEPT MEAT AND POULTRY INSPECTION ACT REGULATIONS)

PART 100  
 SWINE BRUCELLOSIS

Section	Requirements for Establishing and Maintaining	Validated
100.10	Brucellosis-Free Herds of Swine	
100.20	Brucellosis Reactors Disclosed in Non-Validated Swine Herds	
100.30	Breeding Animals Consigned to Slaughter	

**AUTHORITY:** Implementing and authorized by the Illinois Swine Brucellosis Eradication Act [510 ILCS 95] and the Illinois Pseudorabies Control Act [510 ILCS 90] and the Illinois Diseased Animals Act [510 ILCS 50]

**SOURCE:** Adopted at 2 Ill. Reg. 24, P. 55, effective June 15, 1978; codified at 5 Ill. Reg. 10460; amended at 7 Ill. Reg. 871, effective January 10, 1983; amended at 11 Ill. Reg. 10531, effective May 21, 1987; amended at 12 Ill. Reg. 3432, effective January 22, 1988; amended at 14 Ill. Reg. 71963, effective January 19, 1990; amended at 20 Ill. Reg. 1557, effective January 12, 1996.

**Section 100.10 Requirements for Establishing and Maintaining Validated Brucellosis-Free Herds of Swine**

- a) General Requirements
- 1) Validated brucellosis-free herd certificates are issued cooperatively by the Department ~~Division~~ and the Animal and Plant Health Inspection Service.
  - 2) Validation shall be extended upon evidence of compliance with the requirements for maintenance of a validated brucellosis-free swine herd as provided in this rule.
  - 3) All blood samples for validation or revalidation shall be collected by an accredited veterinarian and shall be submitted for diagnosis to an approved laboratory. Information concerning approved laboratories can be obtained from the Department, ~~Division of Animal Industries~~. The veterinarian should indicate on each test chart that the test is being conducted to qualify a swine herd for validation or revalidation.
  - 4) Initial tests to qualify for validation shall be made at owner's expense except as specified under subsection (b)(2) of this Section.
  - 5) A "validated herd" shall consist of at least 5 animals and shall be considered as including all animals in the herd 6 months of age or over. All swine being held for feeding purposes, separate

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and apart from breeding swine, are exempted from herd test requirements.

6) Any purebred animal OR any inbred or hybrid animal registered with a livestock registry association shall be identified by registration number, registry association approved individual tattoo, ear notch, or an ear tag. Any grade animal shall be identified by an ear tag or tattoo. If any animal is retagged between tests, the identification of the previous test shall be shown on the test chart opposite new retag number.

## b) To Qualify for Validation

- 1) Herds which have shown no previous infection may be validated upon completion of one negative herd test of all breeding swine 6 months of age and over. Validation applies to all offspring, including Specific Pathogen-Free (SPF) pigs from such herds.
- 2) When reactors are disclosed in a herd in the process of becoming validated, the entire herd is placed under quarantine and the reactors shall be immediately isolated from the remainder of the herd. The reactor animals shall be tagged in the left ear with a reactor identification tag, disposed of within 15 days of report by the laboratory, a report of disposal made to the Department ~~Division~~, and the entire herd subjected to brucellosis retests at intervals of not less than 30 nor more than 90 days. Quarantine will be released upon completion of one negative complete herd test; completion of two consecutive negative complete herd tests will qualify a herd for validation. (Complete herd retest for release of quarantine shall be at State expense, provided funds are available.)

## c) Maintenance Requirements

- 1) Validated brucellosis-free herd status is maintained by subjecting all swine over 6 months of age in the herd to an official brucellosis serologic test at least once each year (this shall be accomplished by testing 25 percent of swine over 6 months of age every 80 to 105 days and finding all swine so tested negative, or by testing 10 percent of the swine over 6 months of age each month and finding all swine so tested negative). No swine may be tested twice in one year to comply with the 25 percent requirement nor twice in ten months to comply with the 10 percent requirement. If the members of the validated herd are maintained on more than one premises, 25 or 10 percent of the swine on each premises shall be retested as required. If the 25 or 10 percent retests are not conducted when due, the revalidation requirements shall then be the same as for initial validation.
- 2) Reactors:
 

If reactors are disclosed on the 25 percent quarterly or 10 percent monthly test, the herd will be quarantined and the validated herd status suspended until a herd test is conducted. Such test may be at State expense, provided funds are available.



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The herd test should be conducted within 30 days of disclosure of the reactor. A negative test will qualify the herd for release of quarantine and revalidation. If additional reactors are disclosed, the herd will be considered again in the process of validation as under subsection (b) (2) of this Section.

3) Additions to Validated Brucellosis-Free Swine Herds:

- A) Native Animals:
  - i) Animals originating directly from a validated herd in good standing, without test (owner shall furnish proof of same to the Department), or
  - ii) Animals from non-validated herds provided they have passed a negative test within 60 days and are held in isolation from the validated herd until passing a second negative test at least 60 days but not more than 90 days after the first test in the case of boars, or open gilts, or after farrowing in the case of bred sows and gilts.

- B) Animals From Out-of-State: All animals from out-of-state accompanied by an approved interstate health certificate, showing compliance with Illinois entry requirements as defined in Section 4 of the Act, may be added to a validated herd, if they qualify as follows:

- i) Animals originating directly from a validated herd in good standing, without test (owner shall furnish an official health certificate to the Department), or
- ii) Animals from non-validated herds provided they have passed a negative test within 30 days prior to addition, and are held in isolation from the validated herd until passing a second negative test at least 60 days but not more than 90 days after the first test, in the case of boars and open gilts, or after farrowing in the case of bred sows and gilts.

- C) Additions are not recognized as a part of the validated herd until the required negative retests have been reported to the Illinois Department of Agriculture Division of Animal Industries.

d) Segregation of Feeding Animals

All swine brought on to the farm for feeding purposes shall be segregated from the breeding herd.

(Source: Amended at 20 Ill. Reg. 1557, effective  
 JAN 1 2 1996)

Section 100.30 Breeding Animals Consigned to Slaughter

Before being mixed with swine from any other source, all breeding animals consigned to slaughter or offered for sale for slaughter shall be identified to the herd of origin by an approved identification tag (9 CFR 78.33, 1995) #9897.

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Incorporation by reference does not include any later amendments or editions beyond the date specified. A report of such identification (9 CFR 78.33(d), 1995) #9897 shall be made on forms provided by the United States Department of Agriculture and shall be submitted to the Department Division within 30 days of application.

(Source: Amended at 20 Ill. Reg. 1557, effective  
 JAN 1 2 1996)

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- 1) Heading of the Part: Swine Disease Control and Eradication Act
- 2) Code Citation: 8 Ill. Adm. Code 105
- 3) Section Numbers: Adopted Action:  
105.5 Amendment  
105.10 Amendment  
105.30 Amendment
- 4) Statutory Authority: Illinois Swine Disease Control and Eradication Act [510 ILCS 100], the Illinois Pseudorabies Control Act [510 ILCS 90] and the Illinois Swine Brucellosis Eradication Act [510 ILCS 95]
- 5) Effective Date of amendments: January 12, 1996
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this proposed amendment contain incorporations by reference? Yes
- 8) Date Filed in Agency's Principal Office: January 12, 1996
- 9) Notices of Proposal Published in Illinois Register: September 15, 1995, 19 Ill. Reg. 12843
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Differences between proposal and final version: Nonsubstantive corrections were made.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? N/A
- 13) Will this amendment replace an emergency amendment in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of amendments: Due to reorganization within the Department, all references to "Division" are changed to "Department". References to the Illinois Revised Statutes have been deleted. Cites to the Swine Brucellosis Uniform Methods and Rules and the Pseudorabies Eradication State-Federal-Industry Program Standards have been updated to reflect the most current printed version of these documents.

- 16) Information and questions regarding this adopted amendment shall be directed to:  
Name: Debbie Wakefield  
Address: Illinois Department of Agriculture  
State Fairgrounds

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Springfield, Illinois 62794-9281  
Telephone: 217/785-5713 FAX: 217/785-4505

The full text of Adopted Amendments begins on the next page:

DEPARTMENT OF AGRICULTURE  
NOTICE OF ADOPTED AMENDMENTS

TITLE 8: AGRICULTURE AND ANIMALS  
CHAPTER 1: DEPARTMENT OF AGRICULTURE  
SUBCHAPTER b: ANIMALS AND ANIMAL PRODUCTS  
(EXCEPT MEAT AND POULTRY INSPECTION ACT REGULATIONS)

PART 105  
SWINE DISEASE CONTROL AND ERADICATION ACT

- Section
- 105.5 Definitions
  - 105.10 Swine Entering Illinois for Feeding Purposes Only
  - 105.20 Quarantine of Imported Feeder Swine
  - 105.30 Swine Entering Illinois for Breeding Purposes
  - 105.40 Pseudorabies (Aujeszky's Disease) in Swine (Repealed)
  - 105.41 General Requirements for Qualified Pseudorabies Negative, Controlled Vaccinated and Feeder Swine Pseudorabies Monitored Herds (Repealed)
  - 105.42 Requirements for Establishing and Maintaining Qualified Pseudorabies Negative Herds (Repealed)
  - 105.44 Requirements for Establishing and Maintaining Pseudorabies Controlled Vaccinated Swine Herds (Repealed)
  - 105.46 Requirements for Establishing and Maintaining Feeder Swine Pseudorabies Monitored Herds (Repealed)
  - 105.50 Official Pseudorabies Test (Repealed)
  - 105.60 Pseudorabies Test Requirements for Intrastate Movement (Repealed)
  - 105.70 Pseudorabies Testing of Feeder Swine (Repealed)
  - 105.80 Feeder Swine (Repealed)
  - 105.90 Feral Swine

AUTHORITY: Implementing and authorized by the Illinois Swine Disease Control and Eradication Act [510 ILCS 100], the Illinois Pseudorabies Control Act [510 ILCS 90], and the Illinois Swine Brucellosis Eradication Act [510 ILCS 95].

SOURCE: Rules and Regulations Relating to the Illinois Swine Disease Control and Eradication Act, filed February 24, 1975, effective March 6, 1975; 2 Ill. Reg. 24, p. 31, effective June 15, 1978; 2 Ill. Reg. 46, p. 10, effective November 11, 1978; 3 Ill. Reg. 33, p. 341, effective January 1, 1980; 5 Ill. Reg. 3, p. 745, effective January 2, 1981; 5 Ill. Reg. 45, p. 12100, effective October 27, 1981; codified at 5 Ill. Reg. 10461; amended at 5 Ill. Reg. 13619, effective December 4, 1981; amended at 8 Ill. Reg. 5998, effective April 23, 1984; amended at 9 Ill. Reg. 2236, effective February 15, 1985; amended at 9 Ill. Reg. 18435, effective November 19, 1985; amended at 10 Ill. Reg. 9758, effective May 21, 1986; amended at 11 Ill. Reg. 10187, effective May 15, 1987; amended at 11 Ill. Reg. 10538, effective May 21, 1987; amended at 12 Ill. Reg. 3440, effective January 22, 1988; amended at 13 Ill. Reg. 3715, effective March 13, 1989; amended at 14 Ill. Reg. 1961, effective January 19, 1990; amended at 14 Ill. Reg. 15322, effective September 10, 1990; amended at 16 Ill. Reg. 11799, effective July 8, 1992; emergency amendment at 17 Ill. Reg. 5910, effective March 17, 1993, for a maximum of 150 days; amended at 17 Ill. Reg.

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14010, effective August 16, 1993; amended at 18 Ill. Reg. 1880, effective January 24, 1994; amended at 18 Ill. Reg. 17969, effective January 1, 1995; amended at 20 Ill. Reg. 1563, effective JAN 1 2 1996.

Section 105.5 Definitions

The definitions for this Part shall be as set forth in the general definitions Section (8 Ill. Adm. Code 20.1). Also, the following definitions shall apply to this Part:

"Act" means the Illinois Swine Disease Control and Eradication Act (~~1117-Rev--Stat--19917-ch-87-part-501-et-seq~~) [510 ILCS 100].

"Feral swine" mean swine that have lived any part of their lives free roaming. Swine may lose ~~lose~~ their designation as feral if they are maintained in captivity for at least 30 days and are tested negative for pseudorabies and brucellosis.

"Tattoo" means a permanent mark in the right ear showing a unique number giving state and herd of origin. The unique number shall be assigned and approved by the Chief Animal Health Official of the state of origin or by the Federal Veterinarian in charge for that state.

(Source: Amended at 20 Ill. Reg. 1563, effective JAN 1 2 1996)

Section 105.10 Swine Entering Illinois for Feeding Purposes Only

a) Feeder swine, except feral swine, may enter Illinois provided they are identified by an ear tag or tattoo in the right ear showing state of origin and accompanied by a permit from the Department Division and an official health certificate.

b) Official health certificate shall:

- 1) Be issued by an accredited veterinarian of the state of origin or a veterinarian in the employ of the United States Department of Agriculture;
- 2) Be approved by the Animal Health Official of state of origin;
- 3) Show that the feeder swine are free from visible evidence of any contagious, infectious, or communicable disease or exposure thereto;
- 4) Show that the feeder swine are not from a quarantined herd and/or area;
- 5) List number and description of the feeder swine, tattoos, ear tag series or location of ear tag records when pigs originate from cooperative feeder pig sales; and
- 6) Show that the swine originated from a herd in which a representative sample of the breeding herd has been tested and found negative for pseudorabies (8 Ill. Adm. Code 115.80).



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## c) Permits:

- 1) Permits to import feeder swine shall only be issued to:
  - A) An Illinois licensed feeder swine dealer; and
  - B) A person importing pigs to feed on his own premises and not for resale other than to slaughter.
- 2) Applicant for permit shall furnish the following information to the Department Division:
  - A) Name and address of Illinois destination.
  - B) Name and address of consignor.
  - C) Number of swine in shipment.
- 3) Grounds for refusal to issue a permit are:
  - A) Violation of the Act or any rule of this Part.
  - B) If a person should be licensed under the Illinois Feeder Swine Dealer Licensing Act (411r--Rev--Stat--1997--ch--1117 par--301--et--seq--7) [225 ILCS 620] and his or her license is not in good standing with the Department.
  - C) Presence of a disease which might endanger the Illinois swine industry.

(Source: Amended at 20 Ill. Reg. 1563, effective JAN 12 1996)

## Section 105.30 Swine Entering Illinois for Breeding Purposes

- a) Swine for breeding purposes, except feral swine, may enter Illinois provided they are accompanied by a permit from the Department and an official health certificate.
  - b) Official health certificate shall:
    - 1) Be issued by an accredited veterinarian of the state of origin or by a veterinarian in the employ of the United States Department of Agriculture;
    - 2) Be approved by the Animal Health Official of the state of origin;
    - 3) Identify each animal by registration number, ear tag, tattoo, or ear notch approved by the respective breed registry;
    - 4) Show the swine are free from visible evidence of contagious, infectious, or communicable diseases;
    - 5) Show that the swine are not from a quarantined herd and/or area;
    - 6) Show any swine more than 4 months of age to be negative to an official test for brucellosis, conducted by an approved laboratory within 30 days prior to entry, OR that the swine originate from a validated brucellosis-free herd, with validated herd number and validation date listed on the health certificate, OR that the swine originate from a validated brucellosis-free state area (Swine Brucellosis Eradication Uniform Methods and Rules (February 1995 May-67-1992-as-amended-February-27-1993; as approved by the United States Animal Health Association, P.O. Box K227, Suite 114, 1610 Forest Avenue, Richmond, Virginia 23228)).
- Incorporation by reference does not include any amendments or

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- 7) Show any swine to be negative to an official test for pseudorabies conducted by an approved laboratory within 30 days prior to entry OR that the swine originated from a qualified pseudorabies negative herd, with the qualified herd number and qualification date listed on the health certificate, OR that the swine originated from a country that meets the requirements for Stage V or from a state that has been classified as Stage IV or State V under the Pseudorabies Eradication State-Federal-Industry Program Standards (January 1, 1995 1993) as approved by the United States Animal Health Association (P.O. Box K227, Suite 114, 1610 Forest Avenue, Richmond, Virginia 23228). If there are multiple pseudorabies classifications within a state, the lowest classification shall be recognized by this Department as the classification for that entire state. Incorporation by reference does not include any amendments or editions beyond the date specified.

## c) Permits:

- 1) Permits to import breeding swine shall be issued by telephoning or writing to the Department.
- 2) Applicant for permit shall furnish the following information to the Department:
  - Name and mailing address of Illinois destination;
  - Name and address of consignor; and
  - Number of swine in shipment.
- 3) Grounds for refusal to issue a permit are:
  - A) Violation of the Act or any rule of this Part; and
  - B) Presence of a disease which might endanger the Illinois swine industry.
- d) Imported breeding animals shall be kept isolated until a percentage of the imported breeding swine are retested and negative to an official test for pseudorabies conducted not less than 21 days nor more than 90 days after entering Illinois. If the number of imported breeding animals is 35 or less, all or at least 10 animals, whichever is less, are to be tested. If more than 36 imported breeding animals are involved, a minimum of 30 percent or 30 animals, whichever is less, is to be tested. Swine originating from a country that meets the requirements for Stage V or a state that has been classified as Stage IV or Stage V under the Pseudorabies Eradication State-Federal-Industry Program Standards are exempt from the isolation and retest provisions. If there are multiple pseudorabies classifications within a state, the lowest classification shall be recognized by this Department as the classification for that entire state.

(Source: Amended at 20 Ill. Reg. 1563, effective JAN 12 1996)

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Access to and Eligibility for Child Welfare Services
- 2) Code Citation: 89 Ill. Adm. Code 304
- 3) Section Numbers: Adopted Action:  
     304.4            ,       Amend  
     304.5            ,       Amend
- 4) Statutory Authority: Section 5 of the Children and Family Services Act [20 ILCS 505/5] as amended by Public Act 89-21, effective June 6, 1995.
- 5) Effective Date of Amendments: January 10, 1996
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: December 29, 1995
- 9) Notice of Proposal Published in Illinois Register: July 21, 1995 19 Ill. Reg. 10345
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Difference between proposal and final version: There were minor editing changes recommended by the Joint Committee on Administrative Rules.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these amendments replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: Public Act 89-21 amended the Children and Family Services Act to prohibit any court from committing a minor over age 13 to the Department of Children and Family Services or placing such a minor in DCFS custody if the minor has been charged with a criminal offense under the Criminal Code of 1961 or adjudicated delinquent. Public Act 88-680, effective January 1, 1995, amended the Unified Code of Corrections to allow the Department of Children and Family Services to transfer custody of a delinquent minor 10 years of age or older to the Department of Corrections, if it is determined by an interagency review committee that the Department of Children and Family Services lacks adequate facilities to care for and rehabilitate the minor.
- 16) Information and questions regarding these adopted amendments shall be

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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directed to:

Jacqueline Nottingham, Chief  
 Office of Rules and Procedures  
 Department of Children and Family Services  
 406 E. Monroe Street, #222  
 Springfield, Illinois 62701-1498

Telephone: (217) 524-1983  
 TTY: (217) 524-3715

The full text of the adopted amendments begins on the next page:

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES  
 CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES  
 SUBCHAPTER a: SERVICE DELIVERY

## PART 304

## ACCESS TO AND ELIGIBILITY FOR CHILD WELFARE SERVICES

## Section

- 304.1 Purpose
- 304.2 Definitions
- 304.3 Introduction to Child Welfare Services
- 304.4 Eligibility for Child Welfare Services
- 304.5 Access to Child Welfare Services
- 304.6 Decision Concerning Case Opening

**AUTHORITY:** Implementing and authorized by Section 5 of the Children and Family Services Act [20 ILCS 505/5]; Sections 2 and 2.1 of the Abused and Neglected Child Reporting Act [325 ILCS 5/2 and 2.1]; Section 1-2 of the Juvenile Court Act of 1987 [705 ILCS 405/1-2]; Section 1-103 of the Illinois Alcoholism and Other Drug Dependency Act [20 ILCS 305/1-103]; and the Adoption Assistance and Child Welfare Act of 1980, which amends Section 471 of the Social Security Act (42 U.S.C. 671(a)(14)).

**SOURCE:** Adopted and codified at 5 Ill. Reg. 13117, effective November 30, 1981; amended at 8 Ill. Reg. 12118, effective July 9, 1984; amended at 17 Ill. Reg. 251, effective December 31, 1992; amended at 19 Ill. Reg. 9429, effective July 1, 1995; emergency amendment at 19 Ill. Reg. 10738, effective July 1, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 1569, effective JAN 10 1996.

## Section 304.4 Eligibility for Child Welfare Services

- a) Children and Families the Department Must Serve
- The Department must, by law, provide child welfare services to the following categories of children and families:
- 1) abused and neglected children and their families;
  - 2) dependent children and their families;
  - 3) children under the age of 13 who have been adjudicated delinquent and their families;
  - 4) children for whom the Department already has court ordered legal responsibility who are subsequently adjudicated delinquent or minors requiring authoritative intervention and their families.
- The Department is mandated to continue serving these children even if they are over age 13 when they are adjudicated delinquent or minors requiring authoritative intervention. However, the Department may transfer custody of a minor 10 years of age or over to the Juvenile Division of the Department of Corrections in accordance with the provisions of the Unified Code of Corrections

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[730 ILCS 5/3-10-11], if the minor has been adjudicated delinquent and it is determined by an interagency review committee that the Department lacks adequate facilities to care for and rehabilitate the minor.

- b) Children and Families the Department May Elect to Serve

In addition to the children and families the Department must serve, the Department may elect to provide child welfare services to other children and families who request the services, who the Department deems to be in need of the services, and who the Department deems will benefit from the services.

- c) No Financial Eligibility

The family's income, assets or other financial resources do not affect whether a family is eligible for child welfare services. Instead, child welfare services are provided to the children and families who need them, who will benefit from them and who the Department is responsible for serving, regardless of the family's ability to pay for the services.

(Source: Amended at 20 Ill. Reg. 1569, effective JAN 10 1996)

## Section 304.5 Access to Child Welfare Services

- a) Child welfare services are available to Illinois families with children under age 18 and to children found within the state who are under age 18 who fall into one of the categories outlined in Section 304.4. Children and families come to the Department's attention in one of the following ways:
- 1) through a report to the Department that a child is alleged to be abused, neglected, or dependent,
  - 2) through a referral from a purchase of service provider or another public or private agency,
  - 3) through a direct request for child welfare services from a family
- A) to keep the family together or to assist in alleviating problems which are likely to result in harm to the child,
- B) to have a child temporarily removed from their care until a family crisis or short term problem is resolved. These requests, called "voluntary placement agreements," are limited to 60 days and require the prior written approval of the administrator in charge of the Department region or his designee. A voluntary placement agreement may be renewed for an additional 60 days only with the prior written approval of the administrator in charge of the Department region,
- C) to voluntarily surrender their child for adoption. These requests can result in voluntary adoption surrenders and shall not be taken unless an adoptive placement resource for that child is expected to be available within 90 days. The



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Department will seek court ordered legal responsibility for the child when an adoptive placement resource is not readily available,

- 4) through certain dispositional court orders. However, a minor charged with a criminal offense under the Criminal Code of 1961 or adjudicated delinquent shall not be placed in the custody of or committed to the Department by any court, except a minor less than 13 years of age committed to the Department under Section 5-23 of the Juvenile Court Act of 1987. [20 ILCS 505/5]
- b) When a purchase of service provider or other public or private agency refers a child or family to the Department for service provision or service funding, the Department shall:
  - 1) determine the appropriateness of Department involvement in accordance with Sections 304.3(b) and 304.4; and
  - 2) make a decision concerning case opening in accordance with Section 304.6.

(Source: Amended at 20 Ill. Reg. 1569, effective JAN 10 1996)

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- 1) Heading of the Part: Appeal of Foster Family Home License Denials by Relative Caregivers

- 2) Code Citation: 89 Ill. Adm. Code 338

- 3) 

<u>Section Numbers:</u>	<u>Adopted Action:</u>
338.10	New
338.20	New
338.30	New
338.40	New
338.50	New
338.60	New
338.70	New
338.80	New
338.90	New
338.100	New
338.110	New
338.120	New
338.130	New
338.140	New
338.150	New
338.160	New
338.170	New
338.180	New

- 4) Statutory Authority: 20 ILCS 505/5

- 5) Effective Date of Rulemaking: January 10, 1996

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Does this rulemaking contain incorporations by reference? No

- 8) Date Filed in Agency's Principal Office: December 29, 1995

- 9) Notice of Proposal Published in Illinois Register: September 1, 1995  
Ill. Reg. 12408

- 10) Has JCAR issued a Statement of Objections to these rules? No

- 11) Difference(s) between proposal and final version: Minor editing changes recommended by JCAR were included in the adopted new Part.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? There were no agreements between the agency and JCAR.

- 13) Will this rulemaking replace an emergency rule currently in effect? Yes

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- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: These rules describe the appeal process for relatives who provide care for related children for whom the Department of Children and Family Services is legally responsible and who are denied licensure as a foster family home under the provisions of 89 Ill. Adm. Code 402, Licensing Standards for Foster Family Homes. These rules also provide a temporary appeal process for those relative caregivers who received notice prior to July 1, 1995 that their foster care payments were to be reduced to the Illinois Department of Public Aid child only standard of need amount, but the relative asserts that the home is already licensed or that the home was approved and an application for licensure as a foster family home was made prior to July 1, 1995 and had not yet been denied.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Name: Jacqueline Nottingham, Chief  
 Address: Office of Rules and Procedures  
 Department of Children and Family Services  
 406 E. Monroe Street, Station #222  
 Springfield, Illinois 62701  
 Telephone: (217)524-1983 TTY: (217)524-3715

The full text of the Adopted Amendment begins on the next page:

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TITLE 89: SOCIAL SERVICES  
 CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES  
 SUBCHAPTER b: PROGRAM AND TECHNICAL SUPPORT

## PART 338

## APPEAL OF FOSTER FAMILY HOME LICENSE DENIALS BY RELATIVE CAREGIVERS

Section	Purpose
338.10	Definitions
338.20	Who May Appeal
338.30	What May Be Appealed
338.40	What May Not Be Appealed
338.50	Concurrent Jurisdiction
338.60	Notices of Department Decisions
338.70	The Appeal Process
338.80	Internal Review
338.90	The Administrative Hearing
338.100	Rights and Responsibilities in Administrative Hearings
338.110	Rules of Evidence
338.120	The Administrative Law Judge
338.130	Combined or Separate Hearings
338.140	Final Administrative Decision
338.150	Records of Administrative Hearings
338.160	Severability of This Part
338.170	Transition Provisions
338.180	

AUTHORITY: Implementing and authorized by Section 5 of the Children and Family Services Act [20 ILCS 505/5].

SOURCE: Emergency rules adopted at 19 Ill. Reg. 12305, effective August 11, 1995, for a maximum of 150 days; adopted at 20 Ill. Reg. 1574, effective JAN 10 1996.

## Section 338.10 Purpose

The purpose of these rules is to explain the internal review and administrative hearing process for relative caregivers providing full-time care to children for whom the Department of Children and Family Services is legally responsible who apply for and are denied a foster family home license. This includes license denials based on background checks, including child abuse/neglect and criminal history information.

## Section 338.20 Definitions

"Administrative hearing" in the context of this Part means a formal review of the Department's decision to deny a foster family home license to the relative who is serving as caregiver of children for

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whom the Department is legally responsible.

"Administrative law judge" means the person who is appointed by the Director of the Department and is responsible for conducting the fair hearing.

"Administrator of the Administrative Hearings Unit" means the person who is responsible for coordinating the administrative hearing appeal process.

"Appeal file" means the correspondence, statements, reports, investigative files, documents and other written material submitted to the Administrative Hearings Unit and the appellant after the commencement of the appeal. It does not include any documents or other material which may be in the custody of any other unit of DCF, unless the document or material has been submitted to both the appellant and the Administrative Hearings Unit.

"Appellant" means the person who requests a review or administrative hearing or in whose behalf a review and administrative hearing is requested.

"Children for whom the Department is legally responsible" means children for whom the Department has temporary protective custody or guardianship via court order, or children whose parent(s) has signed an adoptive surrender or voluntary placement agreement with the Department.

"Date of action" means the date on which any Department action becomes effective.

"Date of appeal" is the postmark date on the appellant's request to appeal the Department's decision to deny the application for a foster family home license.

"Date of notice" means the date of the written notice of the Department's decision.

"Department's representative" means the person who is responsible for presenting the Department's case.

"Final administrative decision" means the Department's final decision, order or determination on an appealed issue rendered by the Director in a particular case, which affects the legal rights, duties or privileges of participants and which may be further appealed to the circuit court under the Administrative Review Law.

"Full-time care" means the child is a resident of the household,

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whether on a temporary, emergency, or permanent basis, and is receiving family care usually provided by a parent or guardian.

"License" means a document issued by the Department of Children and Family Services which authorizes a relative caregiver to operate a foster family home in accordance with 89 Ill. Adm. Code 402, Licensing Standards for Foster Family Homes, and the provisions of the Child Care Act of 1969 and rules promulgated thereunder.

"Party" to any administrative hearing or other proceeding in the Department is the Department or the appellant as the case may be.

"Relative" for purposes of placement of children for whom the Department is legally responsible, means any person, 21 years of age or over, other than the parent, who:

- is currently related to the child in any of the following ways by blood or adoption: grandparent, sibling, great-grandparent, uncle, aunt, nephew, niece, first cousin, great-uncle, or great-aunt, or
- is the spouse of such a relative, or
- is the child's step-father, step-mother, or adult step-brother or step-sister.

Relative also includes a person related in any of the foregoing ways to a sibling of a child, even though the person is not related to the child, when the child and its sibling are placed together with that person. [20 ILCS 505/7(b)]

## Section 338.30 Who May Appeal

- a) Relative caregivers who have full-time care and custody of a related child for whom the Department is legally responsible have the right to appeal the denial of an application for a foster family home license.
- b) If an appellant has an authorized representative or an individual legally acting on the appellant's behalf, that representative or individual may exercise the rights of the appellant in the appeal process. These rights include the right to:
  - 1) review and copy record material;
  - 2) receive Department notices;
  - 3) speak in the administrative hearing process; and
  - 4) take any other actions permitted an appellant during the appeal process.

## Section 338.40 What May Be Appealed



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Relative caregivers providing full-time care to related children who have applied for a foster home license and been denied licensure may appeal the denial of a foster family home license.

**Section 338.50 What May Not Be Appealed**

The following circumstances are not appropriate for the appeal process:

- a) when the Department has already made a final administrative decision on the issue as a result of a previous appeal;
- b) when a court has made a judicial decision on the issue being appealed; or
- c) when the appellant has not met the time frame for requesting an appeal.

**Section 338.60 Concurrent Jurisdiction**

If an appeal may be filed under either 89 Ill. Adm. Code 337, Service Appeal Process, or under this Part, the appeal shall be heard under this Part.

**Section 338.70 Notices of Department Decisions**

- a) Relative caregivers who apply for a foster family home license have a right to receive a written notice informing them:

- 1) whether their application for licensure is approved or denied;
- 2) if denied, the reason for the denial;
- 3) of their right to appeal a denial of their application; and
- 4) how to file an appeal.

- b) All written notices used in this Part shall be in the appellant's primary language.

- c) The following notices shall be hand delivered with a certificate of delivery or sent by certified mail, return receipt requested, to "the addressee only":

- 1) the final administrative decision that no genuine issue of material fact exists;
- 2) the final administrative decision of an administrative hearing; and
- 3) the first notice of hearing.
- d) All other notices referenced in this Part shall be sent by regular mail.

**Section 338.80 The Appeal Process**

- a) To begin the appeal process the relative caregiver shall request in writing that the Department review its decision to deny the application for license as a foster family home. The request for a hearing must be postmarked within 15 calendar days after the date of notice of the Department's decision to deny the appellant's application for a foster home license. The request must be submitted

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- to the Department staff person designated in the written notice.
- b) If the appellant is unable to request an appeal in writing, the Department or provider agency shall help the appellant put the request in writing upon request.

**Section 338.90 Internal Review**

- a) After the Administrative Hearings Unit has received the appellant's request for an appeal, the Administrator of the Administrative Hearings Unit shall notify the Department that the appellant has appealed and the Department shall send to the Administrator a copy of the notice of denial of the application for a foster family home license. The notice of denial shall be prima facie evidence that the Department had a basis for refusing to license the home.
- b) The Administrator shall ask both the Department and the appellant to submit any documents, records, statements, or other materials pertinent to the Department's denial of the application for licensure to create an appeal file. The Administrator shall further advise the Department and the appellant of the intent to examine the appeal file, including all materials submitted for the appeal file, to determine whether a genuine issue of material fact exists. Within fifteen days after the date of the Administrator's request for materials, both the Department representative and the appellant shall submit to the Administrative Hearings Unit and to the opposing party any and all documents, records, statements, materials, or evidence to establish that the Department's decision to deny the license was either correct or incorrect. Fifteen days after the Administrator's request for materials, the Administrator shall then proceed to complete the internal review based on the materials received.
- c) The Administrator shall examine the entire appeal file, including all materials submitted by both parties, and shall determine if a genuine issue of material fact exists.
- d) If the Administrator determines that no genuine issue of material fact exists, the Administrator shall dismiss the appeal. The letter dismissing the appeal shall be the final administrative decision of the Department.
- e) If the Administrator determines that there is no genuine issue of material fact as to one or more of the major issues in the case but that substantial controversy exists with respect to other major issues, the Administrator shall specify in writing the major issue(s) about which there is no dispute. The Administrator shall direct that a hearing be held only on the contested issues. At the hearing, facts specified by the Administrator as without dispute shall be deemed established and the hearing conducted accordingly. The Administrator shall notify the parties of the matters which may be appealed.
- f) If the Administrator determines that all the issues are contested, the Administrator shall direct that a hearing be held and notify the parties of the decision.

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**Section 338.100 The Administrative Hearing**

- a) The Administrator of the Administrative Hearings Unit may grant a request for a hearing only when:
  - 1) the original written request for appeal was postmarked within 15 calendar days after the date of notice to the appellant that the Department has denied the appellant's application for a foster family home license; and
  - 2) the issue is within the jurisdiction of the Administrative Hearings Unit as set forth in Sections 338.30 and 338.40 of this Part.
- b) The Administrator of the Administrative Hearings Unit may dismiss a request for an administrative hearing for the following reasons only:
  - 1) the Administrator has determined that no genuine issue of material fact exists pursuant to Section 338.90;
  - 2) the appeal has been withdrawn in writing;
  - 3) the appeal has been abandoned. Abandonment shall be deemed to have occurred if the appellant, the appellant's authorized representative, or an individual legally authorized to act on behalf of the appellant fails to appear at the hearing, and the appellant does not have an adequate cause for failing to appear. Adequate cause for failing to appear at an administrative hearing may include, but is not limited to:
    - A) death in the family of the appellant or in the family of the appellant's representative;
    - B) serious illness of the appellant or the appellant's representative or serious illness in either person's immediate family;
    - C) transportation difficulties that make it impossible for the appellant or representative to appear at the hearing;
    - D) failure of the Department to give notice of the hearing to the appellant or representative at the last known address available to the Department. However, it is the appellant's responsibility to keep the Department updated on any change of address;
  - 4) the issue is not within the jurisdiction of the Administrative Hearings Unit as set forth in Sections 338.30 and 338.40 of this Part;
  - 5) the request for the appeal was not postmarked within 15 calendar days after the date of the notice that the application for license was denied; or
  - 6) the appellant failed to notify the Administrator of the Administrative Hearings Unit of a change of address, and a notice of the administrative hearing cannot be delivered.
- c) If the appeal is not dismissed, the appeal shall be scheduled for hearing.
- d) The Department shall provide written notice of the decision to grant or deny the request for an administrative hearing within 20 calendar

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days after receipt of the request for an administrative hearing. If the Administrator of the Administrative Hearings Unit finds that the issue is not appealable under this Part but can be appropriately heard through another appeal process, in accordance with 89 Ill. Adm. Code 435, Administrative Appeals and Hearings, the Department shall forward the appeal to the proper hearing authority and notify the appellant of this action.

- e) The Administrator of the Administrative Hearings Unit shall:
  - 1) schedule the hearing at a date within a reasonable time period after the Administrator determines a genuine issue of material fact exists;
  - 2) ensure that the administrative hearing is scheduled at a time and place reasonably convenient for all parties. If the parties cannot agree to a reasonably convenient time and place, the Administrator shall make this determination and proceed to schedule the hearing; and
  - 3) provide a written notice to the appellant at least 15 calendar days before the scheduled hearing, which shall contain the following information:
    - A) the date, time and location of the hearing;
    - B) a statement that the failure of the appellant or the appellant's representative to appear at the hearing without adequate cause may be deemed an abandonment of the request, thus constituting a waiver by the appellant of the right to a hearing; and
    - C) a statement of the parties' rights during the appeal process.

**Section 338.110 Rights and Responsibilities in Administrative Hearings**

- a) An appellant may bring a representative, including legal counsel, to the hearing. Expenses of a representative or of an appellant's witnesses shall be paid by the appellant.
- b) An appellant may request the Department employee who had direct involvement in the case or other persons who may have information relevant to the issues in dispute to attend the hearing by asking the Administrator of the Administrative Hearings Unit to issue appropriate subpoenas. Witness fees and travel expenses for persons other than Department employees are the responsibility of the party requesting the subpoena.
- c) Any motions from the appellant or the Department shall be filed with the administrative law judge at least ten calendar days before the hearing. Copies shall be sent to the Department's representative and the appellant.
- d) At the appellant's request, the Department shall provide an interpreter at no cost to the appellant if English is not the appellant's primary language or a sign interpreter if the appellant is hearing impaired.

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- e) During the administrative hearing, the appellant and the Department have the right to:
- 1) present and question witnesses;
  - 2) present any information relevant to the issues;
  - 3) question or disprove any information, including an opportunity to question opposing witnesses; and
  - 4) dispose of any disputed issue by mutually agreeing to a resolution any time prior to the conclusion of the administrative hearing.
- f) In an administrative hearing, the appellant bears the burden of proving, by a preponderance of the evidence, that the Department was in error when it denied the appellant's application for a foster family home license.

**Section 338.120 Rules of Evidence**

- a) All evidence helpful in determining these questions, including oral and written reports, may be relied upon to the extent of its probative value, even though not competent under the common law or statutory rules of evidence.
- b) All Department licensing records and investigatory files shall be admissible to prove the matters contained within the record or investigatory file.

**Section 338.130 The Administrative Law Judge**

- a) Appointment of the Administrative Law Judge  
The Administrator of the Administrative Hearings Unit shall select and the Director shall appoint a trained, impartial administrative law judge from the available pool to conduct the appeal hearing. The administrative law judge shall:
- 1) possess knowledge and information acquired through training and/or experience relevant to the field of child and family welfare law, including familiarity with Department rules, procedures and functions;
  - 2) not have been involved in the decision to take the action being appealed or have rendered legal advice to the decision maker on the issue; and
  - 3) not have a personal or professional interest that interferes with exercising objectivity or have any bias against the parties or issues appealed. An adverse ruling, in and of itself, shall not constitute bias or conflict of interest.
- b) Functions of the Administrative Law Judge  
The administrative law judge shall have all authority allowed under the Illinois Administrative Procedure Act [5 ILCS 100]. This authority shall include, but is not limited to, the following:
- 1) conduct a fair, impartial and formal hearing in which the strict rules of evidence do not apply;

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- 2) provide for the recording of the hearing;
- 3) inform participants of their individual rights and their responsibilities;
- 4) conduct preliminary and pre-hearing telephone conferences, if necessary, between the parties and/or their attorneys to provide information about the procedural aspects of the hearing, narrow the issues and discuss possible stipulations and contested points of law, in order to expedite the actual hearing;
- 5) take necessary steps to develop a full and fair record which contains all relevant facts;
- 6) administer an oath or an affirmation to all witnesses;
- 7) quash or modify subpoenas for good cause, including but not limited to, relevance, scope, materiality and emotional harm or trauma to the subpoenaed witness;
- 8) preserve all documents and evidence for the record;
- 9) rule upon evidentiary issues and contested issues of law at the hearing or take matters under advisement pending issuance of the written opinion and recommendation;
- 10) order the removal of any person from the hearing room who is creating a disturbance, whether by physical actions, profanity or otherwise engaging in conduct which disrupts the hearing;
- 11) identify the issues, consider all relevant facts and receive or request any additional information necessary to decide the matter in dispute, including but not limited to the submission of briefs, memoranda of law, affidavits or post hearing briefs; and
- 12) present a written opinion and recommendation to the Director within 30 calendar days after the record of the administrative hearing is completed or transcript is received. This report shall include a recommended decision on whether the Department's decision to deny the appellant's application for a foster home license was correct or incorrect based on information considered at the hearing contained in the administrative record. The opinion shall contain findings of fact, conclusions of law and a recommendation.

**Section 338.140 Combined or Separate Hearings**

- a) When a common issue is raised, the Department may respond to requests for hearings from more than one appellant by conducting a single group hearing. The Department may also combine all issues raised by a single appellant in all pending appeals arising under this or any other Department rule in a single hearing. In all group hearings, the appeal system in this Part shall apply. Individuals shall be permitted to present their own cases separately.
- b) The Department, if required for the fair, efficient administration of the hearing or to prevent possible prejudice to the appellant, may sever any party or any issue from the combined hearing. The severed party or issue shall be heard separately.



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**Section 338.150 Final Administrative Decision**

- a) Making the Final Administrative Decision  
The Director of the Department shall receive the recommended decision from the administrative law judge and shall agree, disagree, or modify the recommended decision based upon the preponderance of the evidence. The Director's decision is the final administrative decision of the Department. If the decision requires corrective action by the Department, the Director shall appoint a Department staff person who shall be responsible for assuring compliance with the decision.
- b) Notice of the Availability of Judicial Review  
The Department shall include a notice to appellants as part of the final administrative decision. This notice shall advise the appellants that, under the provisions of the Administrative Review Law [735 ILCS 5/Art. III], they may seek within the statutory time frame judicial review of the Department's decision if it is unfavorable to them.
- c) Who Receives Copies of the Final Administrative Decision  
The appellant or authorized representative, the Department's Licensing Unit, the Department's representative, the administrative law judge (except for notices of internal review decisions), and the Administrator of the Administrative Hearings Unit shall receive a copy of the final administrative decision.

**Section 338.160 Records of Administrative Hearings**

The permanent record of the administrative hearing and the final administrative decision shall be maintained by the Administrator of the Administrative Hearings Unit. All hearing decisions shall be available for public inspection during regular business hours. However, confidential information shall be deleted in conformance with 89 Ill. Adm. Code 431, Confidentiality of Personal Information of Persons Served by the Department, and State and federal laws and rules and regulations on confidentiality.

**Section 338.170 Severability of This Part**

If any Court of competent jurisdiction finds that any Section, clause, phrase, or provision of this Part is unconstitutional or invalid for any reason whatsoever, this finding shall not affect the validity of the remaining portions of this Part.

**Section 338.180 Transition Provisions**

- a) Definitions

"Approved under 89 Ill. Adm. Code 335, Relative Home Placement" means that a relative family home had been approved as meeting the standards of that Part prior to July 1, 1995.

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"Child only standard of need" means the assistance standard for cases in which no adult member is included, as established by the Illinois Department of Public Aid in 89 Ill. Adm. Code 111, Assistance Standards.

"Foster care payment" means the amount paid by the Department for a child's room, board, clothing, and personal allowance in a licensed foster family home.

"Timely application for licensure" means a relative caregiver whose home had been approved under 89 Ill. Adm. Code 335, Relative Home Placement, submitted an application for a foster family home license postmarked no later than June 30, 1995.

- b) Relative Caregivers Not Approved Under 89 Ill. Adm. Code 335, Relative Home Placement  
Relative caregivers whose payments for the care of related children were reduced to the child only standard of need effective July 1, 1995, because the Department determined the relative home was not a licensed foster family home and had not been approved under 89 Ill. Adm. Code 335, Relative Home Placement, may appeal the proposed reduction of these payments, as notified in a letter from the Department to the appellant on June 12, 1995. Requests for a hearing under this subsection must have been postmarked on or before July 31, 1995, as stated in the letter from the Department to the appellant dated June 12, 1995, and submitted to the Bureau of Administrative Hearings, 160 N. LaSalle Street, Sixth Floor, Chicago, Illinois 60601 in order for the request to be accepted. The basis of the appeal must be that the relative caregiver:
- 1) was licensed as of July 1, 1995, under the provisions of 89 Ill. Adm. Code 402, Licensing Standards for Foster Family Homes. If a request for a hearing submitted under this subsection (b)(1) was postmarked no later than June 30, 1995, foster care payments will be continued throughout the appeal process; or
  - 2) had been approved under 89 Ill. Adm. Code 335, Relative Home Placement, and submitted an application for a foster family home license postmarked no later than June 30, 1995, which has not been denied. If a request for a hearing submitted under this subsection (b)(2) was postmarked no later than June 30, 1995, foster care payments will be continued throughout the appeal process, until a decision is made on the application for license, or until September 30, 1995, whichever occurs first.
- c) Relative Caregivers Approved Under 89 Ill. Adm. Code 335, Relative Home Placement, Who Did Not Submit a Timely Application for Licensure  
Relative caregivers whose payments for the care of related children will be reduced to the child only standard of need effective July 1, 1995, because the Department has determined that they were approved under 89 Ill. Adm. Code 335, Relative Home Placement, but who,

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according to Department records, did not submit a timely application for a foster family home license, may appeal the proposed reduction of these payments as notified in a letter from the Department to the appellant on June 12, 1995. Requests for a hearing under this subsection must be postmarked on or before August 31, 1995, and submitted to the Bureau of Administrative Hearings, 160 N. LaSalle Street, Sixth Floor, Chicago, Illinois 60601 in order for the request for a hearing to be accepted. The basis of the appeal must be that the relative caregiver:

- 1) was licensed as of July 1, 1995, under the provisions of 89 Ill. Adm. Code 402. If a request for a hearing submitted under this subsection (c)(1) was postmarked no later than June 30, 1995, foster care payments will be continued throughout the appeal process; or
  - 2) had been approved under 89 Ill. Adm. Code 335, Relative Home Placement, and submitted a timely application for a foster family home license which has not been denied. If a request for hearing submitted under this subsection (c)(2) is postmarked within ten days after the date of notice of the intended reduction of payments, foster care payments will be continued throughout the appeal process, until a decision is made on the application for licensure, or until September 30, 1995, whichever occurs first.
- d) Relative Caregivers Who Reside Out of State  
Relative caregivers whose payments for the care of related children will be reduced to the child only standard of need because they reside outside the State of Illinois and, according to Department records, failed to submit proof postmarked no later than July 15, 1995, to the Interstate Compact Unit, 406 East Monroe Street, Springfield, Illinois 62701 as required by Section 359.4, Payments for Substitute Care Services (89 Ill. Adm. Code 359, Authorized Child Care Payments) may appeal the proposed reduction of these payments. Requests for a hearing under this subsection must be postmarked within thirty days after the date of notice of the intended reduction of payments and submitted to the Bureau of Administrative Hearings, 160 N. LaSalle Street, Sixth Floor, Chicago, Illinois 60601 in order for a request for a hearing to be accepted. The basis of the appeal must be that the relative caregiver submitted proof of licensure, certification, or approval, as required by 89 Ill. Adm. Code 359.4. If a request for hearing submitted under this subsection (d) is postmarked within ten days after the date of notice of the intended reduction of payments, foster care payments will be continued throughout the appeal process.
- e) Recoupment of Overpayments  
If the Department continues the payment at the current level while the appeal is pending and the hearing upholds the Department's decision to reduce the payment, the Department shall fully recoup the amount of overpayments made. This may be achieved by reducing future payments made by the Department to the appellant or by other appropriate action against the appellant's income or resources, as provided in Section

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402 of the Social Security Act (42 U.S.C.A. 602(a)(22)). When an overpayment results from willful misstatements made by the appellant to the Department, or from the willful withholding of relevant information by the appellant from the Department, the Department may recoup the overpayment from any available income and resources as provided in 45 CFR Section 233.20(12).

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- 1) Heading of the Part: Licensing Standards for Foster Family Homes
- 2) Code Citation: 89 Ill. Adm. Code 402
- 3) Section Numbers: Adopted Action:  
402.28 Amend
- 4) Statutory Authority: [225 ILCS 10] as amended by Public Act 89-21, effective June 8, 1995
- 5) Effective Date of Amendments: January 10, 1996
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: December 29, 1995
- 9) Notice of Proposal Published in Illinois Register: July 21, 1995 19 Ill. Reg. 10347
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Difference between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No agreements were made with JCAR.
- 13) Will these amendments replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: Public Act 89-21 amended the Adoption Act to allow relatives to adopt children related to them without being licensed first as a foster family home. These amendments to the licensing standards for foster family homes are necessary to implement the provisions of Public Act 89-21.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Jacqueline Nottingham, Chief  
Office of Rules and Procedures  
Department of Children and Family Services  
406 E. Monroe Street, #222  
Springfield, Illinois 62701-1498  
Telephone: (217) 524-1983

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

TTY: (217) 524-3715

The full text of the adopted amendments begins on the next page:



## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES  
 CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES  
 SUBCHAPTER e: REQUIREMENTS FOR LICENSURE

## PART 402

## LICENSING STANDARDS FOR FOSTER FAMILY HOMES

Section	Purpose
402.1	Definitions
402.2	Effective Date of Standards (Repealed)
402.3	Application for License
402.4	Application for Renewal of License
402.5	Provisions Pertaining to Permits
402.6	Provisions Pertaining to the License
402.7	General Requirements for the Foster Home
402.8	Requirements for Sleeping Arrangements
402.9	Nutrition and Meals
402.10	Business and Employment of Foster Family
402.11	Qualifications of Foster Parents
402.12	Background Inquiry
402.13	Health of Foster Family
402.14	Number and Ages of Children Served
402.15	Meeting Basic Needs of Children
402.16	Health Care of Children
402.17	Religion
402.18	Recreation and Leisure Time
402.19	Education
402.20	Discipline of Children
402.21	Emergency Care of Children
402.22	Release of Children
402.23	Confidentiality of Information
402.24	Required Written Consents
402.25	Records to be Maintained
402.26	Licensing Supervision
402.27	Adoptive Homes
402.28	Severability of This Part
402.29	

## APPENDIX A Criminal Convictions Which Prevent Licensure

AUTHORITY: Implementing and authorized by the Child Care Act of 1969 [225 ILCS 10].

SOURCE: Adopted and codified at 5 Ill. Reg. 9548, effective October 1, 1981; emergency amendment at 6 Ill. Reg. 15580, effective December 15, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 3439, effective April 4, 1983; amended at 7 Ill. Reg. 13858, effective November 1, 1983; amended at 8 Ill. Reg. 23197, effective December 3, 1984; amended at 11 Ill. Reg. 4292, effective

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March 1, 1987; emergency amendment at 16 Ill. Reg. 11879, effective July 13, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 267, effective December 21, 1992; emergency amendment at 18 Ill. Reg. 8481, effective May 20, 1994, for a maximum of 150 days; emergency expired on October 17, 1994; amended at 19 Ill. Reg. 1801, effective February 1, 1995; amended at 19 Ill. Reg. 9463, effective July 1, 1995; emergency amendment at 19 Ill. Reg. 10743, effective July 1, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 1589, effective JAN 10 1996.

## Section 402.28 Adoptive Homes

An adoptive home shall be licensed as a foster family home before placement of an unrelated child for adoption.

(Source: Amended at 20 Ill. Reg. 1589, effective JAN 10 1996)

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Food Stamps
- 2) Code Citation: 89 Ill. Adm. Code 121
- 3) Section Numbers: Adopted Action:  
121.160 Amendment  
121.162 Amendment  
121.182 Amendment  
121.184 Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13], P. A. 89-6 and P. A. 89-21.
- 5) Effective Date of Amendments: January 11, 1996
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these Amendments contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: January 11, 1996
- 9) Notice of Proposal Published in Illinois Register:  
Sections 121.160, 121.162, 121.182 and 121.184  
June 16, 1995 (19 Ill. Reg. 7786)  
Sections 121.160, 121.162 and 121.182  
September 8, 1995 (19 Ill. Reg. 12602)
- 10) Has JCAR issued a Statement of Objections to these Adopted Amendments? No
- 11) Differences between proposal and final version: The following changes were made to the text of the proposed amendments:  
Sections 121.160, 121.162, 121.182 and 121.184
  1. In the AUTHORITY, the Ill. Rev. Stat. was stricken.
  2. In Section 121.160(a)(3), the final "and" was stricken.
  3. In Section 121.160(a)(4), the final period was deleted and replaced by "; and".
  4. In Sections 121.82(d)(2)(B) and 121.182(i)(3), "component" was capitalized.

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5. In Sections 121.182(h)(1) and 121.182(i)(1), "Food Stamps" was changed to the lower case.
6. In Section 121.182(h)(1), "receive payment" was stricken and "earn assistance at minimum wage" was added. Also, "minimum wage assistance" was changed to "assistance at minimum wage".
7. In Section 121.182(h)(3), a comma was inserted before "if" and after "competent jurisdiction".
8. In Section 121.182(i)(1), "minimum wage" was stricken and "at minimum wage" was added after "assistance".
9. In Section 121.182(i)(1), "minimum wage assistance" was changed to "assistance at minimum wage".
10. In Section 121.182(i)(3), commas were placed before and after "if appropriate".
11. In Section 121.184(g)(2), a comma was added before "if" and after "reason".  
Sections 121.160, 121.162 and 121.182
  1. In Section 121.160(a)(1), "court ordered" was hyphenated.
  2. In Sections 121.160(b)(8) and (9), all references to "half-time" were hyphenated.
  3. In Section 121.160(b)(10), "receives" was stricken and replaced by "receiving".
  4. In Section 121.162(a)(7), "court ordered" was hyphenated.
  5. In Section 121.162(c)(2)(A)(ii), "face to face" was hyphenated.
  6. In Section 121.162(c)(2)(B)(v), "covering" was stricken and "cover" was inserted.
  7. In Section 121.162(c)(2)(D), an underlined comma was inserted after "but is not limited to".
  8. In Section 121.182(a), "court ordered" was hyphenated.
  9. In Sections 121.182(c)(2) and 121.182(c)(4), "city" was capitalized and in Section 121.182(c)(2), the closing period was replaced by a colon.

## DEPARTMENT OF PUBLIC AID

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10. In Sections 121.182(c)(2)(A) and (B), "state" was capitalized.
11. In Section 121.182(c)(2)(B), the commas surrounding "that neither receive State funds nor are under a current contract with the Department" were deleted and "client payment" was pluralized.
12. In Section 121.182(h)(1), a comma was inserted after "During an individual's Earnfare participation".
13. In Section 121.182(i)(7), "six month" was hyphenated.  
No other changes have been made in the text of the proposed amendments.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these Amendments replace Emergency Amendments currently in effect?  
Sections 121.160, 121.162, 121.182 and 121.184: No  
Sections 121.160, 121.162 and 121.182: Yes
- 14) Are there any Amendments pending on this Part? No
- 15) Summary and Purpose of Amendments:  
Sections 121.160, 121.162, 121.182 and 121.184

In accordance with provisions of P.A. 89-6, these amendments allow exempt and nonexempt individuals ordered by a court of competent jurisdiction to participate in the Earnfare component of the Food Stamp Employment and Training Program. As a result of these proposed amendments, receipt of food stamps will not be an eligibility requirement for individuals ordered by a court of competent jurisdiction who are non-custodial parents of AFDC children.

This rulemaking provides that court-ordered Earnfare participants will be able to participate for six months unless the court orders participation for less than six months out of any 12 consecutive month period. For these participants, hours engaged in employment-assigned activities multiplied by the minimum wage will first be applied as a \$50.00 payment made to the custodial parent as a support obligation. If the court-ordered participant receives Food Stamp benefits, the individual will engage in employment-assigned activities equal to the amount of the food stamp benefits divided by the federal minimum wage and will then be able to earn minimum wage assistance for each additional hour of performance in Earnfare activity. The individual will be able to earn a maximum of \$231.00 each month including the amount of the support

## DEPARTMENT OF PUBLIC AID

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obligation.

Persons ordered by a court of competent jurisdiction to participate in Earnfare will be referred back to the court when unable to perform the work that has been assigned. If the individual fails to cooperate with the Food Stamp Employment and Training Program, without good cause, he or she will be referred back to the court for failure to comply with the court order.

In addition to individuals who volunteer to participate in Earnfare, individuals ordered by a court of competent jurisdiction to participate in Earnfare will not be subject to food stamp disqualifications for non-participation in Earnfare.

Sections 121.160, 121.162 and 121.182

Pursuant to Public Act 89-21, these amendments enable the Department to designate criteria for eligibility of local governmental units and clients to participate in the Earnfare program. This rulemaking establishes that adults who receive food stamps and who volunteer or are court-ordered, unless exempt, will be required to participate in the Food Stamp Employment and Training Program. These individuals will be assigned to the Earnfare Component.

These amendments also establish that local governmental units will be eligible to participate in the operation of the Earnfare program in the following priority order as resources permit:

1. Local governmental units that receive State funds; and
2. Local governmental units that neither receive State funds nor are under a current contract with the Department will be eligible to contract with the Department to administer Earnfare. The Department will reimburse client payments, transportation and up to 50% of allowable administrative staff costs. The Department will select non-receiving units to participate in the program from the applications received based on, but not limited to, the unemployment rate, percentage of the population receiving food stamps, outreach and recruitment plans, linkage with employers and connection to a court of competent jurisdiction to enable operation of the Non-custodial Parent/Earnfare Initiative.

- 16) Information and questions regarding these Adopted Amendments shall be directed to:

Judy Umunna  
Bureau of Rules and Regulations  
Illinois Department of Public Aid



DEPARTMENT OF PUBLIC AID  
NOTICE OF ADOPTED AMENDMENTS  
  
100 South Grand Avenue East, Third Floor  
Springfield, Illinois 62762  
Telephone: (217) 524-3215

DEPARTMENT OF PUBLIC AID  
NOTICE OF ADOPTED AMENDMENTS  
  
TITLE 89: SOCIAL SERVICES  
CHAPTER I: DEPARTMENT OF PUBLIC AID  
SUBCHAPTER b: ASSISTANCE PROGRAMS

The full text of the Adopted Amendments begins on the next page:

PART 121  
FOOD STAMPS

SUBPART A: APPLICATION PROCEDURES

Section

- 121.1 Application for Assistance
- 121.2 Time Limitations on the Disposition of an Application
- 121.3 Approval of an Application and Initial Authorization of Assistance
- 121.4 Denial of an Application
- 121.5 Client Cooperation
- 121.6 Emergency Assistance
- 121.7 Expedited Services
- 121.10 Interviews

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section

- 121.19 Ending a Voluntary Quit Disqualification
- 121.20 Citizenship
- 121.21 Residence
- 121.22 Social Security Numbers
- 121.23 Work Registration/Participation Requirements (Repealed)
- 121.24 Individuals Exempt From Work Registration Requirements (Repealed)
- 121.25 Failure to Comply (Repealed)
- 121.26 Period of Disqualification (Repealed)
- 121.27 Voluntary Job Quit
- 121.28 Good Cause for Voluntary Job Quit
- 121.29 Exemptions from Voluntary Quit Rule

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section

- 121.30 Unearned Income
- 121.31 Exempt Unearned Income
- 121.32 Education Benefits
- 121.33 Unearned Income In-Kind
- 121.34 Lump Sum Payments and Income Tax Refunds
- 121.40 Earned Income
- 121.41 Budgeting Earned Income
- 121.50 Exempt Earned Income
- 121.51 Income from Work/Study/Training Programs
- 121.52 Earned Income from Roomer and Boarder

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121.53 Income From Rental Property  
 121.54 Earned Income In-Kind  
 121.55 Sponsors of Aliens  
 121.57 Assets  
 121.58 Exempt Assets  
 121.59 Asset Disregards

## SUBPART D: ELIGIBILITY STANDARDS

## Section

121.60 Net Monthly Income Eligibility Standards  
 121.61 Gross Monthly Income Eligibility Standards  
 121.62 Income Which Must Be Annualized  
 121.63 Deductions From Monthly Income  
 121.64 Coupon Allotment

## SUBPART E: HOUSEHOLD CONCEPT

## Section

121.70 Composition of the Assistance Unit  
 121.71 Living Arrangement  
 121.72 Nonhousehold Members  
 121.73 Ineligible Household Members  
 121.74 Strikers  
 121.75 Students  
 121.76 Households Receiving AFDC, SSI, Interim Assistance and/or GA -  
 Categorical Eligibility

## SUBPART F: MISCELLANEOUS PROGRAM PROVISIONS

## Section

121.80 Fraud Disqualification (Renumbered)  
 121.81 Initiation of Administrative Fraud Hearing (Repealed)  
 121.82 Definition of Fraud (Renumbered)  
 121.83 Notification To Applicant Households (Renumbered)  
 121.84 Disqualification Upon Finding of Fraud (Renumbered)  
 121.85 Court Imposed Disqualification (Renumbered)  
 121.90 Monthly Reporting and Retrospective Budgeting  
 121.91 Monthly Reporting  
 121.92 Retrospective Budgeting  
 121.93 Direct Mail Issuance of Food Stamp Coupons  
 121.94 Replacement of Food Stamp Coupons  
 121.95 Restoration of Lost Benefits  
 121.96 Uses For Food Coupons  
 121.97 Supplemental Payments  
 121.98 Food Stamp Simplified Application Demonstration Project (Repealed)  
 121.120 Recertification of Eligibility  
 121.130 Residents of Shelters for Battered Women and their Children

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

121.135 Incorporation By Reference  
 121.140 Small Group Living Arrangement Facilities and Drug/Alcoholic Treatment Centers

## SUBPART G: INTENTIONAL VIOLATIONS OF THE PROGRAM

## Section

121.150 Definition of Intentional Violations of the Program  
 121.151 Penalties for Intentional Violations of the Program  
 121.152 Notification To Applicant Households  
 121.153 Disqualification Upon Finding of Intentional Violation of the Program  
 121.154 Court Imposed Disqualification

## SUBPART H: FOOD STAMP EMPLOYMENT AND TRAINING PROGRAM

## Section

121.160 Persons Required to Participate  
 121.162 Participation and Cooperation Requirements  
 121.164 Orientation  
 121.166 Assessment and Employability Plan  
 121.170 Job Search Component  
 121.172 Basic Education Component  
 121.174 Job Readiness Component  
 121.176 Work Experience Component  
 121.178 Job Training Component  
 121.180 Grant Diversion Component  
 121.182 Earnfare Component  
 121.184 Sanctions  
 121.186 Good Cause for Failure to Cooperate  
 121.188 Supportive Services  
 121.190 Conciliation and Fair Hearings  
 121.200 Types of Claims (Recodified)  
 121.201 Establishing a Claim for Intentional Violation of the Program (Recodified)

121.202 Establishing a Claim for Unintentional Household Errors and Administrative Errors (Recodified)  
 121.203 Collecting Claim Against Households (Recodified)  
 121.204 Failure to Respond to Initial Demand Letter (Recodified)  
 121.205 Methods of Repayment of Food Stamp Claims (Recodified)  
 121.206 Determination of Monthly Allotment Reductions (Recodified)  
 121.207 Failure to Make Payment in Accordance with Repayment Schedule (Recodified)  
 121.208 Suspension and Termination of Claims (Recodified)

AUTHORITY: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-13].

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

SOURCE: Adopted December 30, 1977; amended at 3 Ill. Reg. 5, p. 875, effective February 2, 1979; amended at 3 Ill. Reg. 31, p. 109, effective August 3, 1979; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 41, p. 165, effective October 11, 1979; amended at 3 Ill. Reg. 42, p. 230, effective October 9, 1979; amended at 3 Ill. Reg. 44, p. 173, effective October 19, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 3, p. 49, effective January 9, 1980; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 23, 1980; amended at 4 Ill. Reg. 10, p. 253, effective February 27, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 17, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1131, effective January 16, 1981; amended at 5 Ill. Reg. 4586, effective April 15, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; peremptory amendment at 10062, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 12736, effective October 29, 1981; amended at 6 Ill. Reg. 1653, effective January 17, 1982; amended at 6 Ill. Reg. 2707, effective March 2, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10208, effective August 9, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 5715, effective May 1, 1983; amended at 7 Ill. Reg. 8118, effective June 24, 1983; peremptory amendment at 7 Ill. Reg. 12899, effective October 1, 1983; amended at 7 Ill. Reg. 13655, effective October 4, 1983; peremptory amendment at 7 Ill. Reg. 16067, effective November 18, 1983; amended at 7 Ill. Reg. 16169, effective November 22, 1983; amended at 8 Ill. Reg. 5673, effective April 18, 1984; amended at 8 Ill. Reg. 7249, effective May 16, 1984; peremptory amendment at 8 Ill. Reg. 10086, effective July 1, 1984; amended at 8 Ill. Reg. 13284, effective July 16, 1984; amended at 8 Ill. Reg. 17900, effective September 14, 1984; amended (by adding section being codified with no substantive change) at 8 Ill. Reg. 17898; peremptory amendment at 8 Ill. Reg. 19690, effective October 1, 1984; peremptory amendment at 8 Ill. Reg. 22145, effective November 1, 1984; amended at 9 Ill. Reg. 302, effective January 1, 1985; amended at 9 Ill. Reg. 6804, effective May 1, 1985; amended at 9 Ill. Reg. 8665, effective May 29, 1985; peremptory amendment at 9 Ill. Reg. 8898, effective July 1, 1985; amended at 9 Ill. Reg. 11334, effective July 8, 1985; amended at 9 Ill. Reg. 14334, effective September 6, 1985; peremptory amendment at 9 Ill. Reg. 15582, effective October 1, 1985; amended at 9 Ill. Reg. 16889, effective October 16, 1985; amended at 9 Ill. Reg. 19726, effective December 9, 1985; amended at 10 Ill. Reg. 229, effective December 20, 1985; peremptory amendment at 10 Ill. Reg. 7387, effective April 21, 1986; peremptory amendment at 10 Ill. Reg. 7941, effective May 1, 1986; amended at 10 Ill. Reg. 14692, effective August 29, 1986; peremptory amendment at 10 Ill. Reg. 15714,

## DEPARTMENT OF PUBLIC AID

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effective October 1, 1986; Sections 121.200 thru 121.208 recodified to 89 Ill. Adm. Code 165 at 10 Ill. Reg. 21094; peremptory amendment at 11 Ill. Reg. 3761, effective February 11, 1987; emergency amendment at 11 Ill. Reg. 3754, effective February 13, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 9968, effective May 15, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 10269, effective May 22, 1987; amended at 11 Ill. Reg. 10621, effective May 25, 1987; peremptory amendment at 11 Ill. Reg. 11391, effective July 1, 1987; peremptory amendment at 11 Ill. Reg. 11855, effective June 30, 1987; emergency amendment at 11 Ill. Reg. 12043, effective July 6, 1987; amended at 11 Ill. Reg. 13635, effective August 1, 1987; amended at 11 Ill. Reg. 14022, effective August 10, 1987; emergency amendment at 11 Ill. Reg. 15261, effective September 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 15480, effective September 4, 1987; amended at 11 Ill. Reg. 15634, effective September 11, 1987; amended at 11 Ill. Reg. 18218, effective October 30, 1987; peremptory amendment at 11 Ill. Reg. 18374, effective October 30, 1987; amended at 12 Ill. Reg. 877, effective December 30, 1987; emergency amendment at 12 Ill. Reg. 1941, effective December 31, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 4204, effective February 5, 1988; amended at 12 Ill. Reg. 9678, effective May 23, 1988; amended at 12 Ill. Reg. 9922, effective June 1, 1988; amended at 12 Ill. Reg. 11463, effective June 30, 1988; amended at 12 Ill. Reg. 12824, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 14045, effective August 19, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 15704, effective October 1, 1988; peremptory amendment at 12 Ill. Reg. 16271, effective October 1, 1988; amended at 12 Ill. Reg. 20161, effective November 30, 1988; amended at 13 Ill. Reg. 3890, effective March 10, 1989; amended at 13 Ill. Reg. 13619, effective August 14, 1989; peremptory amendment at 13 Ill. Reg. 15859, effective October 1, 1989; amended at 14 Ill. Reg. 729, effective January 1, 1990; amended at 14 Ill. Reg. 6349, effective April 13, 1990; amended at 14 Ill. Reg. 13202, effective August 6, 1990; peremptory amendment at 14 Ill. Reg. 15158, effective October 1, 1990; amended at 14 Ill. Reg. 16983, effective September 30, 1990; amended at 15 Ill. Reg. 11150, effective July 22, 1991; amended at 15 Ill. Reg. 11957, effective August 12, 1991; peremptory amendment at 15 Ill. Reg. 14134, effective October 1, 1991; emergency amendment at 16 Ill. Reg. 757, effective January 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 10011, effective June 15, 1992; amended at 16 Ill. Reg. 13900, effective August 31, 1992; emergency amendment at 16 Ill. Reg. 16221, effective October 1, 1992, for a maximum of 150 days; peremptory amendment at 16 Ill. Reg. 16345, effective October 1, 1992; amended at 16 Ill. Reg. 16624, effective October 23, 1992; amended at 17 Ill. Reg. 644, effective December 31, 1992; amended at 17 Ill. Reg. 4333, effective March 19, 1993; amended at 17 Ill. Reg. 14625, effective August 26, 1993; emergency amendment at 17 Ill. Reg. 15149, effective September 7, 1993, for a maximum of 150 days; peremptory amendment at 17 Ill. Reg. 17477, effective October 1, 1993; expedited correction at 17 Ill. Reg. 21216, effective October 1, 1993; amended at 18 Ill. Reg. 2033, effective January 21, 1994; emergency amendment at 18 Ill. Reg. 2509, effective January 27, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 3427, effective February 28, 1994; amended at 18 Ill. Reg. 8921, effective June 3, 1994; amended at 18 Ill.



## DEPARTMENT OF PUBLIC AID

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Reg. 12829, effective August 5, 1994; amended at 18 Ill. Reg. 14103, effective August 26, 1994; amended at 19 Ill. Reg. 5626, effective March 31, 1995; amended at 19 Ill. Reg. 6648, effective May 5, 1995; emergency amendment at 19 Ill. Reg. 12705, effective September 1, 1995, for a maximum of 150 days; peremptory amendment at 19 Ill. Reg. 13595, effective October 1, 1995; amended at 20 Ill. Reg. 1593, effective JAN 1 1996.

## SUBPART H: FOOD STAMP EMPLOYMENT AND TRAINING PROGRAM

## Section 121.160 Persons Required to Participate

a) All individuals receiving food stamps who are not exempt will be required to participate in the Food Stamp Employment and Training program, to the extent resources are available. This includes, in priority order:

- 1) Adults who receive food stamps and who volunteer or are court-ordered. ~~Individuals who meet the eligibility requirements for transitional assistance--but who are--"employable"--these individuals may volunteer--for Earnfare--or may--if resources are available, these individuals may be required to participate in other Food Stamp Employment and Training activities;~~
  - 2) Recipients of Transitional Assistance;
  - 3) Nonexempt clients receiving Family and Children Assistance may be required to participate in the Food Stamp Employment and Training program. See 89 Ill. Adm. Code 112.70 through 112.76 for requirements for these clients; and
  - 4) Exempt and nonexempt individuals ordered by a court of competent jurisdiction to participate in Earnfare. Receipt of food stamps is not an eligibility requirement for individuals ordered by a court of competent jurisdiction who are non-custodial parents of AFDC children; and
  - 5) All other nonexempt food stamp recipients not receiving AFDC or Refugee Assistance.
- b) Those individuals exempt from the Food Stamp Employment and Training program are (however, individuals may volunteer to participate):
- 1) Individuals age 55 or over;
  - 2) Persons who are participating in a substance abuse treatment program or who are on a waiting list for such a program;
  - 3) Individuals who are homeless. Homeless in this instance is someone who has no current address and no expectation of acquiring a residence in the next 30 days. It excludes individuals living with friends or relatives on a continuous basis. It includes individuals in overnight transitional shelters. Under this category of exemption, if the individual remains homeless after 12 months, the individual is deemed no longer exempt from program participation, unless exempt under a different category;
  - 4) Individuals who are chronically ill, as determined by a physician

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

or licensed/certified psychologist who finds that a physical or mental impairment, either by itself or in conjunction with age or other factors, prevents the person from engaging in employment or participating in the Food Stamp Employment and Training Program;

5) Persons who are temporarily ill, for the medically documented period of the illness;

6) Individuals who have another household member who requires the full-time care of the individual;

7) Individuals who are under 16 years of age;

8) Individuals age 16 or 17 who are not the head of a household or who are attending school or are enrolled in a training program on at least a half-time basis;

9) Students enrolled at least half-time in any recognized school, training program, or institution of higher education; provided that students enrolled at least half-time in an institution of higher education have met the eligibility conditions as defined at 7 CFR 273.5. A student enrolled in a school, training program or institution of higher education shall remain exempt during normal periods of class attendance, vacation and recess, unless the student graduates, is suspended or expelled, drops out, or does not intend to register for the next normal school term (excluding summer);

10) Individuals who are employed or self-employed and working a minimum of 30 hours per week or receiving receives earnings equal to or greater than 30 times the Federal Minimum Wage;

11) Individuals receiving unemployment insurance or individuals who have applied for unemployment insurance if the person was required to register for work with Job Service as part of the unemployment compensation application process; and

12) Persons who are full-time VISTA volunteers under Title I of the 1973 Domestic Volunteer Services Act (42 U.S.C. 4951 et seq.) who were recipients of public assistance under Article VI of the Illinois Public Aid Code [305 ILCS 5/Art. VI] when they joined VISTA, or are full-time volunteers under Title II of the Act (15 U.S.C. 637 et seq.), which includes foster grandparents, senior health aides, senior companions, or persons serving in the Senior Corps of Retired Executives (SCORE) and Active Corps of Executives (ACE).

(Source: Amended at 20 Ill. Reg. 1593, effective JAN 1 1996)

## Section 121.162 Participation and Cooperation Requirements

- a) To the extent resources allow, the Department shall establish employment, education and training programs for food stamp recipients in the Food Stamp Employment and Training program. All Food Stamp Assistance recipients not exempt under Section 121.160(b) may be

## DEPARTMENT OF PUBLIC AID

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required to participate and cooperate in the Food Stamp Employment and Training program to the extent resources allow. Individuals who are not Food Stamp Assistance recipients may be ordered by a court of competent jurisdiction to participate in the Earnfare component if they are non-custodial parents of AFDC children. The individual will be given the participation requirements in writing for each component to which the individual is assigned. These components include:

- 1) Basic Education (see Section 121.172);
  - 2) Job Training (see Section 121.178);
  - 3) Job Search (see Section 121.170);
  - 4) Work Experience (see Section 121.176);
  - 5) Job Readiness (see Section 121.174);
  - 6) Grant Diversion (see Section 121.180); and
  - 7) Earnfare (see Section 121.182), which is limited to adults who receive food stamps and who volunteer or are court-ordered to participate ~~employable individuals who are otherwise eligible for transitional assistance and who volunteer for the Earnfare component.~~
- b) The individual may be required to participate in such employment and training programs for up to five days per week and 30 hours per week, up to a maximum of 120 hours per month.
- c) An individual is required to participate in the Food Stamp Employment and Training program by:
- 1) Cooperating with the Food Stamp Employment and Training program. Cooperation with the Food Stamp Employment and Training program is defined as providing information on the individual's background, education level, and work history as well as factors affecting employability or ability to meet participation requirements (including health, physical or mental limitations, family problems, and any other related factors), appearing for scheduled meetings, and complying with the requirements of the Food Stamp Employment and Training program components identified in Sections 121.170 through 121.182.
  - 2) Job Contacts in Job Search. Individuals are required to make 20 acceptable employer contacts in every 30 calendar days while in the Job Search component.
    - A) Ten of the 20 required contacts must be either:
      - i) the completion and return of an application; or
      - ii) a face-to-face interview with an employer.
    - B) The remaining ten contacts may be any combination of the following:
      - i) the completion and return of an application;
      - ii) a face-to-face interview with an employer;
      - iii) the completion of a civil service test required for employment with the State, Local, or Federal Government;
      - iv) the completion of a Job Service screening test;
      - v) the mailing of a resume with a cover covering letter

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- to an employer;
- vi) for union members in good standing, reporting to the union hall;
  - vii) reporting to a day labor hall; or
  - viii) reporting for temporary office service.
- C) Acceptable contacts are documented by written statements provided to the Food Stamp Employment and Training worker by the individual. The Food Stamp Employment and Training worker may verify the job contacts by contacting the employer.
- D) No individual shall be sanctioned and/or have Food Stamps disqualified for failure to make the appropriate number of job contacts if the individual has made a good faith effort to make the job contacts. Whether an individual has made a good faith effort to make the required number and types of contacts is based on all the facts and circumstances of each case. Good faith effort exists when circumstances beyond the control of the individual prevent the individual from making the required number of contacts. Good faith effort may include, but is not limited to, the following:
- i) the individual appears for a scheduled interview and the employer misses the appointment;
  - ii) the individual has fewer than 20 contacts and/or fewer than ten interviews or applications, but came reasonably close to the required numbers in an effort to find work;
  - iii) the individual fails a civil service or other employment screening test;
  - iv) the individual completes an application which is not accepted by the employer; and
  - v) the individual's job search performance indicates that the individual should be in a different Food Stamp Employment and Training component or in a rehabilitation program or should be evaluated by the Client Assessment Unit as potentially eligible for SSI.
- 3) Responding to a job referral of suitable employment (such as, a written statement referring a mandatory registrant to an employer for a specific position).
- 4) Accepting a bona fide offer of suitable employment. An individual must be given the opportunity to explain why an offer of employment was not accepted.
- A) A bona fide offer of suitable employment is where there was a definite offer of employment substantiated by confirmation from the prospective employer at wages meeting any applicable minimum wage requirements and which are customary for such work in the community, based on information obtained from the Department of Employment Security; and

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- B) Suitable employment must meet the following requirements:
- i) there are no questions as to the mandatory registrant's inability to engage in such employment for medical reasons or because he has no way to get to or from the particular job;
  - ii) there are no questions of working conditions, such as risks to health, safety, or lack of worker's compensation protection;
  - iii) wages offered must be at least the Federal minimum wage, the State minimum wage, or \$4.25 per hour (if neither the Federal nor State minimum wage is applicable);
  - iv) if the wages are offered on a piece-rate basis, the amount the individual can reasonably be expected to earn must equal the wages as outlined in subsection (c)(4)(B)(iii) of this Section;
  - v) the mandatory registrant may not be required, as a condition of employment, to join, resign from, or refrain from joining any legitimate labor organization;
  - vi) there is no unreasonable degree of risk to the mandatory registrant's health and safety; and
  - vii) the mandatory registrant is physically and mentally competent to perform the work.
- 5) Registering and appearing for any subsequent interviews at the Department of Employment Security's Job Service offices.
- d) Food Stamp Employment and Training participants who are employed must:
- 1) Continue their employment; and
  - 2) Not reduce their employment (for example, voluntarily reducing work hours).
- e) Failure to participate or cooperate with the Food Stamp Employment and Training requirements listed in this Section will result in a food stamp disqualification and/or financial sanction as outlined in Section 121.184.

(Source: Amended at 20 Ill. Reg. 1593, effective JAN 11 1996)

## Section 121.182 Earnfare Component

- a) Assignment to the Earnfare Component is limited to adults who receive food stamps and who volunteer or are court-ordered ~~food--stamp individuals--who--are--initially--otherwise--eligible--for--transitional Assistance--and--who--are--employable--and--volunteer~~ to participate in Earnfare.
- b) Eligibility Criteria
- 1) Eligibility for the Earnfare Component shall be limited to six months out of any 12 consecutive month period except that

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- court-ordered participants shall participate for less than six months out of any 12 consecutive month period.
- 2) Individuals are not entitled to be placed in an Earnfare slot. Earnfare slots shall be made available only as resources permit.
  - 3) To the extent resources permit, the Earnfare program will allow individuals to work for monthly payments and to improve their employability in order to succeed in obtaining employment.
- c) Administration and Contracts
- 1) The Illinois Department shall administer the Earnfare program in Chicago.
  - 2) The Illinois Department may enter into cooperative agreements with local governmental units in selected geographic areas which ~~that--receive--State--funds--and~~ want to participate in the operation of the Earnfare program outside the City of Chicago. The Department shall establish the policies and procedures for the program and monitor Earnfare programs in local governmental units. Local governmental units will be eligible to participate in the operation of an Earnfare program in the following priority order as resources permit:
    - A) Local governmental units that receive State funds.
    - B) Local governmental units that neither receive State funds nor are under a current contract with the Department will be eligible to contract with the Department to administer Earnfare. The Department will reimburse client payments, transportation and up to 50% of allowable administrative staff costs. The Department will select non-receiving units to participate in the program from the applications received based on, but not limited to, the unemployment rate, percentage of the population receiving food stamps, outreach and recruitment plans, linkage with employers and connection to a court of competent jurisdiction to enable operation of the Non-custodial Parent/Earnfare Initiative.
  - 3) The Illinois Department may enter into contracts with other public agencies including State agencies, local governmental units, and not-for-profit community based organizations to help develop Earnfare opportunities and otherwise administer the program.
  - 4) The Illinois Department may enter into contracts with community based organizations as comprehensive providers to administer and operate Earnfare in the City of Chicago.
  - 5) The Illinois Department shall provide Worker's Compensation coverage for each individual assigned to Earnfare.
- d) Notification and Referrals
- 1) In areas where an Earnfare program is operating, when the Illinois Department or the local governmental unit learns that individuals are in the following categories, it shall inform them in writing and, whenever possible, orally of the existence of Earnfare and the method for requesting an Earnfare referral.



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- A) Households approved or certified for non-assistance food stamps which do not have net food stamp income in excess of \$154.00 per month;
- B) All persons denied or terminated from State Transitional Assistance because they are employable; and
- C) All Earnfare participants shall be given a written notice at the time they leave the Earnfare program specifying when they will re-qualify.

2) The Illinois Department, comprehensive providers and participating downstate units shall make referrals to the Earnfare program as follows:

A) Any person may request a referral.

B) Exempt and nonexempt food stamp individuals and individuals not receiving food stamps who are non-custodial parents of AFDC children may be ordered by a court of competent jurisdiction to participate in the Earnfare Component.

C) Within 30 days after a request for an Earnfare referral:

- i) persons who do not qualify for the Earnfare program shall be given or sent a notice informing them that they do not qualify and will not receive a referral;
- ii) persons who request a referral and who qualify for the Earnfare program shall be provided with a written document that acknowledges the request and informs the individual that he/she is qualified.

3) Within 30 days after notice of eligibility, individuals shall be assessed and referred to appropriate Earnfare slots, if slots are available.

e) For the purposes of Earnfare, a "suitable" Earnfare slot must meet the following requirements:

- 1) there are no questions as to the individual's ability to engage in such employment for medical reasons or because the individual has no way to get to or from the particular job;
- 2) there are no questions of working conditions, such as risks to health, safety, or lack of worker's compensation protection;
- 3) the individual may not be required, as a condition of employment, to join, resign from, or refrain from joining any legitimate labor organization;
- 4) there is no unreasonable degree of risk to the individual's health and safety; and
- 5) the individual is physically and mentally competent to perform the work.

f) Individuals participating in Earnfare shall not displace or substitute for regular, full-time or part-time employees, regardless of whether the employee is currently working, on a leave of absence, or in a position or similar position where a layoff has taken place or the employer has terminated the employment of any regular employee or otherwise reduced its work force with the effect of filling the vacancy so created with an individual subsidized under this program,

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or is or has been involved in a labor dispute between a labor organization and the sponsor.

g) Entry into the Component

1) Individuals shall be referred to suitable Earnfare slots with local governmental units, not-for-profit community based and local organizations, other public agencies, including State agencies, and with private employers.

2) To the extent appropriate slots are available, individuals will be referred to suitable Earnfare activities based on an assessment of the individual's age, literacy, education, educational achievement, job training, work experience, and recent institutionalization, whenever these factors are known and are relevant to the individual's success in carrying out the assigned activities and in ultimately obtaining employment. The Department or the participating local governmental unit shall discuss with the individual available Earnfare assignments, together with any restrictions and qualifications the Earnfare employers have specified for the assignments. The individual's personal preferences for available Earnfare assignments and the individual's employment goals shall be ascertained and considered in making the Earnfare referral.

3) The Department, comprehensive providers and local governmental units shall maintain up-to-date public listings by area of Earnfare employers and current information regarding openings in those projects. These listings and the information shall be available to the public, in writing or by phone, during regular business hours.

h) Payments

1) Individuals participating in Earnfare shall engage in work equal to the amount of the food stamp benefits divided by the federal minimum wage and subsequently shall earn assistance at minimum wage receive-payment for each additional hour of performance in Earnfare activity, up to a maximum of \$231.00 per month. An individual is considered to have participated in Earnfare in any month he or she earns a payment. If a court of competent jurisdiction orders an individual to participate in the Earnfare program, hours engaged in employment-assigned activities multiplied by the minimum wage shall first be applied as a \$50.00 payment made to the custodial parent as a support obligation. If the individual receives food stamps, the individual shall engage in employment-assigned activities equal to the amount of the food stamp benefits divided by the federal minimum wage and subsequently shall earn assistance at minimum wage for each additional hour of performance in Earnfare activity. The individual can earn a maximum of \$231.00 each month including the amount of the support obligation. Individuals will be assigned hours of Earnfare based upon their initial food stamp authorization amount. An individual living in a multi-person

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food stamp household shall be deemed to be receiving a per capita share of the household's food stamp allotment, for purposes of calculating the Earnfare hours. During an individual's Earnfare participation the Department or the local governmental unit shall alter the Earnfare hours each time the individual's monthly food stamp benefit changes by at least \$20.00, effective the same month as the change in the food stamp benefit. Individuals and contractors will be notified by the Department or the local governmental unit of the number of hours of work to be performed by an individual in Earnfare.

- 2) Individuals remain financially eligible for Earnfare and Earnfare job search activity so long as they receive food stamps. Receipt of food stamps is not an eligibility requirement of Earnfare when a court of competent jurisdiction orders an individual to participate who is a non-custodial parent of AFDC children.
  - 3) The Department may pay participants directly or may contract for the Earnfare employer to pay the individual. Payments shall be made no less frequently than monthly. Individuals shall be paid only for the hours they have actually worked in excess of the food stamp hours of work obligation and, if ordered by a court of competent jurisdiction, in excess of food stamp hours and the support obligation.
  - 4) Individuals shall be credited with hours of work that the Earnfare employer certifies them to have completed, according to criteria set forth in the contract with the Illinois Department, comprehensive providers or the local governmental unit. The Department, comprehensive providers or the local governmental unit staff shall attempt to resolve disputes between the Earnfare employer and the individual when there is disagreement over the number of hours worked. If the dispute cannot be resolved, the individual may utilize the Illinois Department's appeal process.
  - 5) The Illinois Department or the provider shall, in advance, provide individuals participating in Earnfare who need transportation with the cost of transportation in getting to and from the Earnfare site and to Earnfare participants who are not in the job search component for specific job interviews arranged by their Earnfare employer. Individuals obtaining unsubsidized employment while participating in Earnfare may be eligible for initial employment expenses as stated in Section 121.188.
  - 6) Participants in the Earnfare job search activity are eligible for employer contact related expenses not to exceed \$20.00 every 30 days for a maximum of two months in a 12 consecutive month period.
  - 7) The Illinois Department will provide necessary clothing to enable participants to report to their Earnfare job site. Participants will be required to submit a written request for clothing needed.
- i) Participation Requirements
- 1) Individuals may volunteer to participate in Earnfare and

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participation shall be limited to only six months out of any 12 consecutive month period except that court-ordered participants shall participate for six months unless the court orders participation for less than six months out of any 12 consecutive month period. Individuals participating in Earnfare shall engage in work equal to the amount of the food stamp benefits divided by the federal minimum wage and subsequently shall earn assistance at minimum wage minimum-wage-assistance for each additional hour of work up to a maximum of \$231.00 per month. If a court of competent jurisdiction orders an individual to participate in the Earnfare program, hours engaged in employment-assigned activities multiplied by the minimum wage shall first be applied as a \$50.00 payment made to the custodial parent as a support obligation. If the individual receives food stamps, the individual shall engage in employment-assigned activities equal to the amount of the food stamp benefits divided by the federal minimum wage and subsequently shall earn assistance at minimum wage for each hour of performance in Earnfare activity up to \$231.00 including the amount of the support obligation. Individuals participating in Earnfare first work the number of hours equal to food stamp benefits and subsequently earn financial assistance benefits.

- 2) Individuals are required to report as scheduled and on time to their Earnfare employer when notified of a referral. When they cannot report to their Earnfare assignment or if they will be late, they are to immediately notify their Earnfare employer.
- 3) If the individual demonstrates an inability to sustain the work that has been assigned and the Earnfare assignment was appropriate to the individual's abilities, the Illinois Department shall re-assess the individual and, if appropriate, shall refer the person to apply for Transitional Assistance or Interim Assistance and federal SSI benefits. If the person is ordered by a court of competent jurisdiction to participate in the Earnfare Component, that person shall also be referred back to the court when unable to perform the work that has been assigned.
- 4) An individual may be dismissed by the employer from an Earnfare assignment prior to its completion. The Department, comprehensive providers or local governmental unit shall return an individual dismissed by an employer to the client pool. An individual dismissed by an employer shall be treated as a new program entrant for the purpose of Earnfare assignments. A dismissal from an Earnfare assignment shall not cause a food stamp sanction.
- 5) During Earnfare assignment, individuals are required to accept bona fide offers of suitable employment pursuant to Section 121.162(c)(4).
- 6) During the Earnfare assignment participants are required to apply for suitable jobs for which the provider makes a referral.



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7) Earnfare clients may participate in a voluntary job search activity as resources permit. There are no sanctions for failure to comply. Earnfare clients may participate for two months in a 12 consecutive month period, either concurrently or following the six-month eligibility period for Earnfare. Clients are required to make a minimum of 20 employer contacts each month while in the Earnfare job search activity.

(Source: Amended at 20 Ill. Reg. 1593, effective JAN 1 1996)

## Section 121.184 Sanctions

a) An individual who fails to cooperate with the Food Stamp Employment and Training program without good cause and who fails to comply with the conciliation process shall be subject to Transitional Assistance sanction and/or food stamp disqualification. An individual ordered by a court of competent jurisdiction to participate in the Earnfare Component who fails to cooperate shall be referred back to the court for failure to comply with the court order. Individuals who volunteer to participate in Earnfare or individuals ordered by a court of competent jurisdiction to participate are not subject to food stamp disqualifications for non-participation in Earnfare.

1) An individual who fails to cooperate with the requirements of the Food Stamp Employment and Training program shall be ineligible for Transitional Assistance for two months and/or shall be disqualified for food stamps for two months. The two month ineligibility and/or food stamp disqualification shall be ended early if the individual actually complies with the appropriate requirement or if the individual becomes exempt.

2) Transitional Assistance sanctions and/or food stamp disqualifications shall be imposed against those individuals who refuse or fail to participate without good cause in the Food Stamp Employment and Training program. (See Section 121.186 for good cause.)

b) Non-cooperation with the Food Stamp Employment and Training program includes one instance of any of the following:

- 1) refusal/failure to respond to a job referral;
- 2) refusal/failure to accept a bona fide offer of suitable employment (see Section 121.162(c)(4));
- 3) discontinuance of suitable employment (including quitting a job after placement and before cancellation) without good cause (see Section 121.162(d)(1));
- 4) reduction of suitable employment (for example, hours of employment) without good cause (see Section 121.162(d)(1)); or
- 5) use of a supportive service payment (see Section 121.186) for something other than the supportive service for which it was provided.

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c) A Transitional Assistance sanction and/or food stamp disqualification will be imposed when an individual fails to comply, without good cause, with the following Food Stamp Employment and Training requirements on one occasion, unless otherwise indicated:

1) An individual fails, without good cause, or refuses to respond to a written notice for an appointment. If an individual arrives anytime within 30 minutes after the start of the scheduled meeting, the individual will be considered present. If an individual has good cause (see Section 121.186) for being more than 30 minutes late, the tardiness will be excused. The Food Stamp Employment and Training worker will include the individual in a scheduled group or other meeting or re-schedule the individual for another meeting;

2) An individual refuses to accept child care, transportation, family counseling or other social service or employment and training services such as testing or employment counseling without good cause, thereby precluding or interrupting participation or progress in the employability plan;

3) An individual fails to cooperate in Job Search one time without good cause (see Section 121.182(g)). Each missed session is considered an instance of non-cooperation. Failure of an individual to make the required 20 employer contacts in a 30 day period shall result in a Transitional Assistance sanction and/or a food stamp disqualification (see Sections 121.162(c)(2));

4) Individuals assigned to participate in an Education or a Training component activity must maintain a satisfactory level of attendance as established by the education or training facility. However, failure to attend training or education classes three times in a 30 day period without good cause shall result in a Transitional Assistance sanction and/or food stamp disqualification (see Section 121.186); and

5) Failure of an individual to attend training, without good cause, as specified for the Training component shall result in a sanction.

d) A Transitional Assistance sanction and/or food stamp disqualification shall be imposed only on a nonexempt individual.

e) No Transitional Assistance sanction or food stamp disqualification will be imposed until Food Stamp Employment and Training staff has sent the individual a written notice scheduling a conciliation meeting and the individual has not shown good cause for non-cooperation and has either failed to attend the meeting without good cause or failed to complete the conciliation process (see Section 121.190). The written notice shall explain the purpose of the appointment and the consequences for failure to attend or failure to show good cause and shall include a definition of good cause. Failure of the mandatory registrant to appear for the scheduled meeting is not considered an instance of non-cooperation.

f) A Transitional Assistance sanction and/or food stamp disqualification



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shall be rescinded at any level of the Transitional Assistance sanction and/or food stamp disqualification process up through and until the final agency decision, including any appeal hearing, even if not previously mentioned, if the individual establishes good cause (see Section 121.186 for good cause criteria).

g) The notice of change form issued for a Transitional Assistance sanction and/or food stamp disqualification shall include the following:

- 1) a description of the acts of non-cooperation with the Food Stamp Employment and Training program, including dates where applicable;
- 2) a statement that the individual's acts were without good cause (see Section 121.186 for good cause criteria) and, if the individual provided a good cause reason, it must state why the reason was rejected and that the individual failed to successfully complete the conciliation process; and
- 3) the following statement: "You will be sanctioned until (last day of sanction period) or until you comply with the appropriate program requirement or become exempt. In order for Transitional Assistance and Food Stamp Assistance to be restored at the end of the financial sanction and/or food stamp disqualification period with no further gap in assistance, you must file an application for Transitional Assistance and/or Food Stamp Assistance between (date) and (date). If you apply later than (date), there may be a further gap in assistance."

(Source: Amended at 20 Ill. Reg. 1593, effective JAN 11 1996)

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- 1) Heading of the Part: Income Tax
- 2) Code Citation: 86 Ill. Adm. Code 100
- 3) Section Numbers: Proposed Action:  
100.9020 New Section
- 4) Statutory Authority: 20 ILCS 2505/39b52
- 5) Effective Date of Amendment: January 9, 1996
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which they expire: N/A
- 7) Date Filed in Agency's Principal Office: January 9, 1996
- 8) Reason for Emergency: P.A. 89-6 provides that effective January 1, 1996, the Department of Revenue has been given the responsibility of collecting certain child support arrearages certified to the Department of Revenue by the Illinois Department of Public Aid. Since the adoption of P.A. 89-6, the Department of Revenue has worked closely with the Department of Public Aid to develop the necessary procedures and standards for implementation of this program. The General Assembly recognized the degree of coordination and the amount of time necessary to effect that coordination. As a result, in Section 15 of P.A. 89-6 new Section 39b52 of the Civil Administrative Code of Illinois provides that the Department has the authority to implement the child support collection program through the use of emergency rules.

9) A Complete Description of the Subjects and Issues Involved: The rulemaking explains the manner in which the Illinois Department of Revenue will perform its statutory responsibility of collecting certain child support arrearages certified to the Department of Revenue by the Illinois Department of Public Aid. P.A. 89-6 provided the Department with this child support collection responsibility and also granted the Department of Revenue authority to collect the child support delinquencies certified by the Department of Public Aid in any manner authorized for the collection of delinquent personal income tax liability.

10) Are there any proposed amendments to this Part Pending? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
100.9720	New Section	April 28, 1995, 19 Ill. Reg. 6135
100.9710	New Section	September 15, 1995, 19 Ill. Reg. 12966
11) <u>Statement of Statewide Policy Objectives:</u> This rulemaking neither imposes		

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a State mandate nor modifies an existing mandate.

12) Information and questions regarding these amendments shall be directed to:

Keith Staats  
Associate Chief Counsel (Income Tax)  
Illinois Department of Revenue  
Legal Services Bureau  
101 West Jefferson  
Springfield, IL 62708  
(217) 782-7055

The full text of the emergency amendments begins on the next page:

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## NOTICE OF EMERGENCY AMENDMENT

TITLE 86: REVENUE  
CHAPTER I: DEPARTMENT OF REVENUE

PART 100  
INCOME TAX

## SUBPART A: TAX IMPOSED

Section  
100.2000 Introduction  
100.2050 Net Income (IITA Section 202)

## SUBPART B: CREDITS

Section  
100.2100 Replacement Tax Investment Credit Prior to January 1, 1994 (IITA 201(e))  
100.2150 Training Expense Credit (IITA 201(j))  
100.2101 Replacement Tax Investment Credit (IITA 201(e))  
100.2110 Investment Credit; Enterprise Zone (IITA 201(f))  
100.2120 Jobs Tax Credit; Enterprise Zone and Foreign Trade Zone or Sub-Zone (IITA 201(g))  
100.2130 Investment Credit; High Impact Business (IITA 201(h))  
100.2140 Credit Against Income Tax for Replacement Tax (IITA 201(i))  
100.2160 Research and Development Credit (IITA 201(k))  
100.2170 Tax Credits for Coal Research and Coal Utilization Equipment (IITA 206)  
100.2180 Credit for Residential Real Property Taxes (IITA 208)

SUBPART C: NET OPERATING LOSSES OF UNITARY BUSINESS GROUPS  
OCCURRING PRIOR TO DECEMBER 31, 1986

Section  
100.2200 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group (IITA Section 202) - Scope  
100.2210 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) - Definitions  
100.2220 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) - Current Net Operating Losses; Offsets Between Members  
100.2230 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) - Carrybacks and Carryforwards  
100.2240 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary

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Business Group: (IITA Section 202) - Effect of Combined Net Operating Loss in Computing Illinois Base Income

100.2250 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) - Deadline for Filing Claims Based on Net Operating Losses Carried Back From a Combined Apportionment Year

SUBPART D: ILLINOIS NET LOSS DEDUCTIONS OCCURRING ON OR AFTER DECEMBER 31, 1986

Section 100.2300 Illinois Net Loss Deductions for Losses Occurring On or After December 31, 1986

100.2310 Computation of the Illinois Net Loss Deduction

100.2320 Determination of the Amount of Illinois Net Loss Carryovers

100.2330 Illinois Net Loss Carrybacks and Net Loss Carryovers

100.2340 Illinois Net Loss Deductions of Corporations That are Members of a Unitary Business Group: Separate Unitary Versus Combined Unitary Returns

100.2350 Illinois Net Loss Deductions of Corporations that are Members of a Unitary Business Group: Changes in Membership

SUBPART E: ADDITIONS TO AND SUBTRACTIONS FROM TAXABLE INCOME OF INDIVIDUALS, CORPORATIONS, TRUSTS AND ESTATES AND PARTNERSHIPS

Section 100.2470 Subtraction of Amounts Exempt from Taxation by Virtue of Illinois Law, the Illinois or U.S. Constitutions, or by Reason of U.S. Treaties or Statutes (IITA Sections 203(a)(2)(N), 203(b)(2)(J), 203(c)(2)(K) and 203(d)(2)(G))

SUBPART F: BASE INCOME OF INDIVIDUALS

Section 100.2590 Taxation of Certain Employees of Railroads, Motor Carriers, Air Carriers and Water Carriers

SUBPART G: BASE INCOME OF TRUSTS AND ESTATES

Section 100.2680 Capital Gain Income of Estates and Trusts Paid to or Permanently Set Aside for Charity

SUBPART I: GENERAL RULES OF ALLOCATION AND APPORTIONMENT OF BASE INCOME

Section

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100.3000 Terms Used in Article 3 (IITA Section 301)

100.3010 Business and Nonbusiness Income (IITA Section 301)

100.3020 Resident (IITA Section 301)

SUBPART J: COMPENSATION PAID TO NONRESIDENTS

Section 100.3100 Compensation (IITA Section 302)

100.3110 State (IITA Section 302)

100.3120 Allocation of Compensation Paid to Nonresidents (IITA Section 302)

SUBPART K: NON-BUSINESS INCOME OF PERSONS OTHER THAN RESIDENTS

Section 100.3200 Taxability in Other State (IITA Section 303)

100.3210 Commercial Domicile (IITA Section 303)

100.3220 Allocation of Certain Items of Nonbusiness Income by Persons Other than Residents (IITA Section 303)

SUBPART L: BUSINESS INCOME OF PERSONS OTHER THAN RESIDENTS

Section 100.3300 Allocation and Apportionment of Base Income (IITA Section 304)

100.3310 Business Income of Persons Other than Residents (IITA Section 304) - In General

100.3320 Business Income of Persons Other Than Residents (IITA Section 304) - Apportionment

100.3330 Business Income of Persons Other Than Residents (IITA Section 304) - Allocation

100.3340 Business Income of Persons Other Than Residents (IITA Section 304)

100.3350 Property Factor (IITA Section 304)

100.3360 Payroll Factor (IITA Section 304)

100.3370 Sales Factor (IITA Section 304)

100.3380 Special Rules (IITA Section 304)

100.3390 Petitions for Alternative Allocation or Apportionment (IITA Section 304(f))

100.3400 Allocation of Compensation Paid to Nonresidents (IITA Section 302)

SUBPART N: TIME AND PLACE FOR FILING RETURNS

Section 100.5000 Time for Filing Returns: Individuals (IITA Section 505)

100.5010 Place for Filing Returns: All Taxpayers (IITA Section 505)

100.5020 Extensions of Time for Filing Returns: All Taxpayers (IITA Section 505)

100.5030 Taxpayer's Notification to the Department of Certain Federal Changes Arising in Federal Consolidated Return Years, and Arising in Certain Loss Carryback Years (IITA Section 506)



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Section  
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## APPENDIX A Business Income Of Persons Other Than Residents

TABLE A Example of Unitary Business Apportionment

TABLE B Example of Unitary Business Apportionment for Groups Which Include Members Using Three-Factor and Single-Factor Formulas

AUTHORITY: Implementing the Illinois Income Tax Act [35 ILCS 5] and authorized by Section 1401 of the Illinois Income Tax Act [35 ILCS 5/1401].

SOURCE: Filed July 14, 1971, effective July 24, 1971; amended at 2 Ill. Reg. 49, p. 84, effective November 29, 1978; amended at 5 Ill. Reg. 813, effective January 7, 1981; amended at 5 Ill. Reg. 4617, effective April 14, 1981; amended at 5 Ill. Reg. 4642, effective April 14, 1981; amended at 5 Ill. Reg. 5537, effective May 7, 1981; amended at 5 Ill. Reg. 5705, effective May 20, 1981; amended at 5 Ill. Reg. 5883, effective May 20, 1981; amended at 5 Ill. Reg. 6843, effective June 16, 1981; amended at 5 Ill. Reg. 13244, effective November 13, 1981; amended at 5 Ill. Reg. 13724, effective November 30, 1981; amended at 6 Ill. Reg. 579, effective December 29, 1981; amended at 6 Ill. Reg. 9701, effective July 26, 1982; amended at 7 Ill. Reg. 399, effective December 28, 1982; codified at 8 Ill. Reg. 19574; amended at 9 Ill. Reg. 16986, effective October 21, 1985; amended at 10 Ill. Reg. 685, effective December 31, 1985; amended at 10 Ill. Reg. 7913, effective April 28, 1986; amended at 10 Ill. Reg. 19512, effective November 3, 1986; amended at 10 Ill. Reg. 21941, effective December 15, 1986; amended at 11 Ill. Reg. 831, effective December 24, 1986; amended at 11 Ill. Reg. 2450, effective January 20, 1987; amended at 11 Ill.

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Reg. 12410, effective July 8, 1987; amended at 11 Ill. Reg. 17782, effective October 16, 1987; amended at 12 Ill. Reg. 4865, effective February 25, 1988; amended at 12 Ill. Reg. 6748, effective March 25, 1988; amended at 12 Ill. Reg. 11766, effective July 1, 1988; amended at 12 Ill. Reg. 14307, effective August 29, 1988; amended at 13 Ill. Reg. 8917, effective May 30, 1989; amended at 13 Ill. Reg. 10952, effective June 26, 1989; amended at 14 Ill. Reg. 4558, effective March 8, 1990; amended at 14 Ill. Reg. 6810, effective April 19, 1990; amended at 14 Ill. Reg. 10082, effective June 7, 1990; amended at 14 Ill. Reg. 16012, effective September 17, 1990; emergency amendment at 17 Ill. Reg. 473, effective December 22, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 8869, effective June 2, 1993; amended at 17 Ill. Reg. 13776, effective August 9, 1993; recodified at 17 Ill. Reg. 14189; amended at 17 Ill. Reg. 19632, effective November 1, 1993; amended at 17 Ill. Reg. 19966, effective November 9, 1993; amended at 18 Ill. Reg. 1510, effective January 13, 1994; amended at 18 Ill. Reg. 2494, effective January 28, 1994; amended at 18 Ill. Reg. 7768, effective May 4, 1994; amended at 19 Ill. Reg. 1839, effective February 6, 1995; amended at 19 Ill. Reg. 5824, effective March 31, 1995; emergency amendment at 20 Ill. Reg. 1616, effective January 9, 1996, for a maximum of 150 days.

## SUBPART U: COLLECTION AUTHORITY

Section 100.9020 Child Support Collection (IITA Section 901)  
EMERGENCY

a) Effective January 1, 1996, the Department of Revenue has been given the statutory responsibility of collecting certain child support arrearages.

b) Upon certification of past due child support amounts from the Department of Public Aid, the Department of Revenue may collect the delinquency in any manner authorized for the collection of a delinquent personal income tax liability. [20 ILCS 2505/39b52]

1) The Department of Revenue will begin collection efforts with respect to child support arrearages only after the arrearages are certified to the Department of Revenue by the Department of Public Aid.

A) Child support arrearages certified to the Department of Revenue for collection are final arrearages. In other words, referrals will not be made to the Department of Revenue until the non-custodial parent has been afforded an opportunity to contest the amount of the arrearage through administrative and judicial means. The non-custodial parent who owes the arrearage has no right of hearing before the Department of Revenue.

B) The Department of Revenue lacks the statutory authority to begin collection activities on its own initiative with respect to a child support arrearage that has not been certified to the Department of Revenue by the Department of

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## Public Aid.

C) The Department of Revenue has no authority to accept referrals for collection of past due child support from the public, from the courts, or from any other agency of local, state, or federal government other than the Department of Public Aid.

2) Once a child support arrearage has been certified to the Department of Revenue, the Department of Revenue will use all collection methods authorized by the Illinois Income Tax Act. Article 11 of the Act [35 ILCS 5/Art. 11] sets forth various collection activities that will be utilized by the Department of Revenue.

c) The Department of Revenue shall notify the Department of Public Aid when the delinquency or any portion of the delinquency has been collected. Any child support delinquency collected by the Department of Revenue, including those amounts that result in overpayment of a child support delinquency, shall be deposited in, or transferred to, the Child Support Enforcement Trust Fund. [20 ILCS 2502/39b52]

1) The Department of Revenue is responsible only for collection of child support arrearages certified by the Department of Public Aid. Any distribution of funds that are collected and deposited in the Child Support Enforcement Trust Fund is the responsibility of the Department of Public Aid.

2) Questions concerning the allocation of child support amounts that are collected by the Department of Revenue (for example, between arrearages and current support, or between custodial parent and the Department of Public Aid) must be directed to the Department of Public Aid.

(Source: Emergency amendment at 20 Ill. Reg. 1616, effective January 9, 1996, for a maximum of 150 days)

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1) Heading of the Part: Procedures and Standards

2) Code Citation: 92 Ill. Adm. Code 1001

3) Section Numbers: Emergency Action:

1001.700	New Section
1001.710	New Section
1001.720	New Section
1001.730	New Section
1001.740	New Section
1001.750	New Section
1001.760	New Section
1001.770	New Section
1001.780	New Section
1001.785	New Section
1001.790	New Section
1001.795	New Section

4) Statutory Authority: Authorized by the Motor Vehicle Franchise Act, 815 ILCS 710/17, 18, 22.

5) Effective Date: January 15, 1996

6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire. This emergency amendment will expire with the adoption of proposed amendments at the end of the regular rulemaking process.

7) Date filed in Agency's Principal Office: January 5, 1996

8) Reason for Emergency: PA 89-145, effective July 14, 1995, gave the Secretary of State six months to implement the Act. The Motor Vehicle Review Board must be created and functioning by January 14, 1996. The Secretary of State has already received 7 notices of protest which need to be dealt with as soon as possible.

9) A Complete Description of the Subjects and Issues Involved: These rules set forth how the Motor Vehicle Review Board is to be organized and how it will function, as well as the hearing procedures to be followed upon receipt of notices of protest from complaining dealers against manufacturers/distributors.

10) Are there any proposed amendments to this Part pending? No

11) Statement of Statewide Policy Objectives: These proposed amendments will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.



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- 12) Information and questions regarding this emergency amendment shall be directed to:

Jay L. Mesri, Senior Legal Advisor  
 Department of Administrative Hearings  
 200 Howlett Building  
 Springfield, Illinois 62756  
 (217) 785-8237

The full text of the emergency amendment begins on the next page:

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TITLE 92: TRANSPORTATION  
 CHAPTER II: SECRETARY OF STATE

## PART 1001

## PROCEDURES AND STANDARDS

## SUBPART A: FORMAL ADMINISTRATIVE HEARINGS

Section	
1001.10	Applicability
1001.20	Definitions
1001.30	Right to Counsel
1001.40	Appearance of Attorney
1001.50	Special Appearance
1001.60	Substitution of Parties
1001.70	Commencement of Actions; Notice of Hearing
1001.80	Motions
1001.90	Form of Papers
1001.100	Conduct of Formal Hearings
1001.110	Orders
1001.120	Record of Hearings
1001.130	Invalidity

## SUBPART B: ILLINOIS SAFETY RESPONSIBILITY HEARINGS

Section	
1001.200	Applicability
1001.210	Definitions
1001.220	Hearings: Notice; Locations; Procedures; Record
1001.230	Rules of Evidence
1001.240	Scope of Hearings
1001.250	Decisions and Orders
1001.260	Rehearings
1001.270	Judicial Review
1001.280	Invalidity

SUBPART C: RULES ON THE CONDUCT OF INFORMAL HEARINGS  
IN DRIVERS LICENSE SUSPENSIONS AND REVOCATIONS

Section	
1001.300	Applicability
1001.310	Definitions
1001.320	Right to Representation
1001.330	Record and Reports
1001.340	Location of Hearings
1001.350	Duties and Responsibilities
1001.360	Decisions
1001.370	Invalidity

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**SUBPART D: STANDARDS FOR THE GRANTING OF RESTRICTED DRIVING PERMITS, REINSTATEMENT, AND THE TERMINATION OF CANCELLATIONS OF DRIVING PRIVILEGES BY THE OFFICE OF THE SECRETARY OF STATE**

Section	
1001.400	Applicability
1001.410	Definitions
1001.420	General Provisions Relating to the Issuance of Restricted Driving Permits
1001.430	General Provisions for Reinstatement of Driving Privileges after Revocation
1001.440	Provisions for Alcohol and Drug Related Revocations, Suspensions, and Cancellations Pursuant to Sections 6-205(a)2, 6-205(d), 6-206(a)1, 6-206(a)6, 6-206(a)17, 6-206(a)24, 6-206(a)31, 6-201, 6-203, 6-203.1 and 11-501.1
1001.441	Breath Alcohol Ignition Interlock Device Pilot Program
1001.442	Manufacturer's Responsibilities; Approval for Analyzing Alcohol Content of Breath; DPH Inspections; Disqualification of a Manufacturer; Designation and Assignment of Regions
1001.443	Installers' Responsibilities; Initial Certification, Renewal, Termination, Revocation and Denial of Installer Certification
1001.450	New Hearings
1001.460	Requests for Modification of Revocations and Suspensions
1001.470	Renewal, Correction and Cancellation of RDP's
1001.480	Unsatisfied Judgment Suspensions
1001.485	Reinstatement Application Based Upon Issuance of Drivers License in a State Which is a Member of the Driver License Compact
1001.490	Invalidity

## SUBPART E: FORMAL MEDICAL HEARINGS

## Section

1001.500	Applicability
1001.510	Definitions
1001.520	Procedure
1001.530	Conduct of Medical Formal Hearings
1001.540	Subsequent Hearings

**SUBPART F: ZERO TOLERANCE SUSPENSION OF DRIVING PRIVILEGES; PERSONS UNDER THE AGE OF 21 YEARS; IMPLIED CONSENT HEARINGS; RESTRICTED DRIVING PERMITS**

1001.600	Applicability
1001.610	Definitions
1001.620	Burden of Proof
1001.630	Implied Consent Hearings; Religious Exception
1001.640	Implied Consent Hearings; Medical Exception
1001.650	Rebuttable Presumption

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1001.660	Alcohol and Drug Education and Awareness Program
1001.670	Petitions for Restricted Driving Permits
1001.680	Form and Location of Hearings
1001.690	Invalidity

## SUBPART G: MOTOR VEHICLE FRANCHISE ACT

1001.700	Applicability
EMERGENCY	
1001.710	Definitions
EMERGENCY	
1001.720	Organization of Motor Vehicle Review Board
EMERGENCY	
1001.730	Motor Vehicle Review Board Meetings
EMERGENCY	
1001.740	Board Fees
EMERGENCY	
1001.750	Notice of Protest
EMERGENCY	
1001.760	Hearing/Review Procedures
EMERGENCY	
1001.770	Conduct of Protest Hearing
EMERGENCY	
1001.780	Mandatory Settlement Conference
EMERGENCY	
1001.785	Technical Issues
EMERGENCY	
1001.790	Hearing Expenses; Attorney's Fees
EMERGENCY	
1001.795	Invalidity
EMERGENCY	

## APPENDIX A

BAIID Regions and Minimum Installation/Service Center Site Location Guidelines

**AUTHORITY:** Subpart A implementing Sections 2-113, 2-118, 6-108, 6-205, and 6-206 and authorized by Sections 2-103 and 2-104 of the Illinois Vehicle Code [625 ILCS 5/2-103, 2-104, 2-113, 2-118, 6-108, 6-205, 6-206]. Subpart B implementing Chapter 7 and authorized by Sections 2-103, 2-104, 2-106, 2-107, 2-108, 2-113, and 2-114, and Ch. 7 of the Illinois Vehicle Code [625 ILCS 5/2-103, 2-104, 2-106, 2-107, 2-108, 2-113, 2-114, Ch. 7]. Subpart C implementing Sections 6-205(c) and 6-203(c)3 and authorized by Sections 2-103 and 2-104 of the Illinois Vehicle Code [625 ILCS 5/2-103, 2-104, 6-205(c), 6-206(c)3]. Subpart D authorized by Sections 2-104 and 11-501 of the Illinois Vehicle Code and implementing Sections 6-103, 6-205(c), 6-206(c)3, and 6-208 of the Illinois Vehicle Code [625 ILCS 5/2-104, 6-103, 6-205(c), 6-206(c)3, 6-208, 11-501]. Subpart E implementing Sections 2-113, 2-118, 2-123, 6-103, 6-201, 6-906, and 6-908 and authorized by Sections 2-103, 2-104, 6-906, and 6-909 of

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the Illinois Vehicle Code [625 ILCS 5/2-103, 2-104, 2-113, 2-118, 2-123, 6-103, 6-201, 6-906, 6-908, 6-909]. Subpart F implementing Sections 2-113, 2-218, 6-208.2, 11-501.1, and 11-501.8 and authorized by Sections 2-103, 2-104, and 11-501.8 of the Illinois Vehicle Code [625 ILCS 5/2-103, 2-104, 2-113, 2-118, 6-208.2, 11-501.1, 11-501.8]. Subpart G implementing the Motor Vehicle Franchise Act and authorized by Sections 17, 18, and 22 of the Motor Vehicle Franchise Act [815 ILCS 710/17, 18 and 22].

SOURCE: Adopted and codified at 7 Ill. Reg. 7501, effective June 17, 1983; amended at 8 Ill. Reg. 4220, effective April 1, 1984; emergency amendment at 9 Ill. Reg. 17030, effective October 18, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 4558, effective March 18, 1986; amended at 11 Ill. Reg. 17844, effective October 15, 1987; amended at 13 Ill. Reg. 15803, effective October 1, 1989; amended at 14 Ill. Reg. 2601, effective February 15, 1990; amended at 14 Ill. Reg. 16041, effective October 1, 1990; emergency amendment at 16 Ill. Reg. 19926, effective December 8, 1992, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 2047, effective January 27, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 6274, effective May 1, 1993; amended at 17 Ill. Reg. 8528, effective June 1, 1993; emergency amendment at 18 Ill. Reg. 7916, effective May 10, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 15127, effective September 21, 1994; emergency amendment at 19 Ill. Reg. 54, effective January 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 6667, effective May 1, 1995; emergency amendment at 20 Ill. Reg. 1626, effective January 15, 1996, for a maximum of 150 days.

## SUBPART G: MOTOR VEHICLE FRANCHISE ACT

## Section 1001.700 Applicability

EMERGENCY

This Subpart applies to the organization and implementation of the Motor Vehicle Review Board and to any hearing conducted pursuant to Section 12 of the Motor Vehicle Franchise Act, hereinafter referred to as the Act [815 ILCS 710]. The Secretary shall act as the repository for all documents and records and as the clerk for the filing of all documents necessary for the hearing process involving the Act.

(Source: Added at 20 Ill. Reg. 1626, effective JAN 15 1996)

## Section 1001.710 Definitions

EMERGENCY

"Act" means the Motor Vehicle Franchise Act [815 ILCS 710].

"Board" means the three member Motor Vehicle Review Board.

"Complainant" means the dealer/franchisee requesting the hearing.

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"Manufacturer/distributor" means any person who manufactures, assembles, distributes or sells within Illinois five (5) or more new motor vehicles during the calendar year.

"Party" means the Complainant or Respondent.

"Respondent" means the manufacturer/distributor allegedly violating the Act.

"Secretary" means the Secretary of State or his/her duly appointed designee.

(Source: Added at 20 Ill. Reg. 1626, effective JAN 15 1996)

## Section 1001.720 Organization of Motor Vehicle Review Board

EMERGENCY

a) The Chairperson shall be the contact person with the administrative personnel of the Secretary in order to implement the provisions of the Act. The Chairperson may delegate the duties of the Board to the remaining members.

b) The selection by the Board of a Chairperson shall be done with the advice and consent of the Secretary.

(Source: Added at 20 Ill. Reg. 1626, effective JAN 15 1996)

## Section 1001.730 Motor Vehicle Review Board Meetings

EMERGENCY

a) The annual meeting of the Board shall be held at a Secretary of State office or facility in either Chicago or Springfield as determined by the Chairperson. The first such meeting shall be held at a location determined by the Secretary. In addition to those responsibilities set forth in the Act, the following shall be accomplished at the annual meeting, but not limited thereto:

- 1) Formally adopt this Subpart G as its regulations for the holding and conducting of hearings concerning all matters within its powers;
  - 2) Determine the members duties and responsibilities where practical;
  - 3) Set a tentative schedule of meetings for the year;
  - 4) Set out concerns and or needs to be addressed by the Secretary to help implement the Act, including a review of the administrative rules adopted and any suggested amendments thereto;
  - 5) Suggest legislative changes to the Act.
- b) The Board shall hold at a minimum quarterly meetings throughout the



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year for the following purposes, but not limited thereto:

- 1) Reviewing notices of protest and deciding how each should be handled;
- 2) Reviewing recommendations from hearing officers, exceptions and briefs from the parties, and issuing final orders.
- c) The quarterly or sooner meetings may be held in person, by telephone, or by other electronic means at the discretion of the Chairperson. In either event, the meeting or the Chairperson shall be at a facility of the Secretary in either Chicago or Springfield.

(Source: Added at 20 Ill. Reg. 1626, effective JAN 15 1996)

## Section 1001.740 Board Fees

EMERGENCY

- a) Annual compensation for Board members shall be as follows:

- 1) The Chairperson: \$25,000;
- 2) The remaining members: \$20,000.
- b) All travel and other necessary expenses incurred by the members while performing official duties will be paid according to the State of Illinois Travel Regulations, promulgated by the Illinois Travel Regulation Council, and the Secretary of State Travel Control System, promulgated by the Secretary of State Travel Control Board. The members shall submit a detailed voucher at the end of each month setting forth the date, amount and the purpose of the expenditure and attach necessary receipts. Said voucher may be the same voucher submitted for compensation.
- c) All clerical, secretarial, office space, postage, equipment and other material needed to conduct business under the Act will be arranged by the Secretary.

(Source: Added at 20 Ill. Reg. 1626, effective JAN 15 1996)

## Section 1001.750 Notice Of Protest

EMERGENCY

- a) A notice of protest from a complainant must be in writing and contain at a minimum the following information:

- 1) Name, address and dealer license number of the complainant;
- 2) Name and address of the respondent;
- 3) Name and address of any other dealer/franchisee involved;
- 4) The Section(s) of the Act allegedly violated;
- 5) A brief description of the facts supporting the complainant's position;
- 6) A copy of any documents received from the respondent and any documents sent by the complainant to the respondent or other

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- b) In determining if the notice has been timely filed, the postmark shall control if mailed; if hand delivered, the date of delivery as evidenced by a Secretary stamp mark; if faxed, the date of the fax.

- c) The complainant must submit one original and three copies of the Notice of Protest in any one of the following ways: sent or delivered to the Illinois Secretary of State, Room 200, Howlett Building, Springfield, Illinois, 62756; delivered to the Illinois Secretary of State, Room 1200, 17 N. State, Chicago, Illinois, 60602; or faxed to the Springfield office at (217) 524-1561.

(Source: Added at 20 Ill. Reg. 1626, effective JAN 15 1996)

## Section 1001.760 Hearing Review Procedures

EMERGENCY

- a) Receipt of a notice of protest shall be handled as follows:

- 1) Any notice of protest received by the Secretary shall be sent to the Chairperson, who shall review the notice to see if it has been timely filed, is in compliance with Section 1001.750, and falls under the purview of the Act.

- 2) If the notice meets all of the above requirements, the Chairperson shall:

- A) Assign a Board member to monitor the case and a hearing officer to hear the case. The hearing officer shall be selected from a list of possible hearing officers supplied by the Secretary. The selection shall be made on a rotating basis taking into consideration expertise and qualifications needed for each case.

- B) Have the Secretary enter an order setting the date, time and place of the hearing. Said date shall be within 60 days after the date of the order. The hearing shall be held at a location determined by the Secretary.

- 3) If the notice does not meet all of the requirements of subsection (1) above, the Chairperson shall have the Secretary notify the complainant of the defect and no hearing shall be set.

- 4) If the Chairperson determines that the notice of protest does not fall under the purview of the Act in that the alleged violation is not under the Act or that an exception under the Act applies:

- A) The complainant shall be so notified and given ten (10) working days to respond. If no response is received within that time, the Chairperson shall cause a summary order to be entered denying the relief requested, which shall be a final, appealable order.
- B) If a response is received, as provided in Section 1001.750, copies of the file will be given to each Board member who will review the matter and at a meeting of the Board, make a

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recommendation to the Chairperson as to whether there appears to be a reasonable possibility that a violation of the Act occurred.

1) If a majority of the Board determines that there is such a reasonable possibility, a hearing shall be scheduled.

ii) If a majority of the Board determines that there is not such a reasonable possibility, the Chairperson shall cause a summary order to be entered denying the relief requested, which shall be a final appealable order.

b) All hearing related issues, such as rules of evidence, discovery, continuances, etc., are governed by Section 29 of the Act. To the extent that an issue is not covered in that Section, the administrative hearing rules found in Subpart A of this Part shall govern. Enforcement of discovery procedures shall be as set forth in the Illinois Supreme Court Rule 219.

c) The standard of proof is by the preponderance of the evidence.

d) Once the proposed decision is served upon the parties, any party wishing to file exceptions and present a brief to the Board may do so by serving the same upon the Secretary in a manner and at a location as set forth in Section 1001.750. Upon receipt of said documents, the Secretary shall forward the documents to the Board member to whom the case was assigned, who shall review the brief and make a recommendation to the full Board. The Board member may consult with the hearing officer who heard the case.

(Source: Added at 20 Ill. Reg. 1626, effective JAN 15 1996)

## Section 1001.770 Conduct of Protest Hearing

## EMERGENCY

a) These hearings shall be held in Chicago or Springfield at a location determined by the Secretary, taking into consideration the location and/or request of the complainant.

b) The hearing officer does not represent any party at the proceeding, but merely facilitates the hearing by presiding over it and performing the following duties in addition to those set forth in the Act:

- 1) Inform the parties of the relevant issues to be decided;
- 2) Rule on motions, the admissibility of evidence and all other legal issues raised;
- 3) Prepare a proposed decision and submit it to the Chairperson and have the Secretary serve it upon the parties to the proceeding.

c) The hearing shall proceed in the following manner:

- 1) The hearing officer will identify the parties and set forth the violations of the Act alleged by the complainant.
- 2) The party bearing the burden of proof as set forth in Sections 4

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or 29 of the Act shall then present evidence in the form of documents and/or testimony relevant to the alleged violation of the Act. If Section 4 or 29 of the Act does not specify which party has the burden of proof for a particular violation of the Act, the burden of proof shall be on the respondent to show that there is good cause for its action or inaction.

3) The other party to the proceeding shall then be allowed to present its evidence.

4) The hearing officer may ask questions as deemed necessary.

5) At the conclusion of the taking of evidence, each party shall be allowed to make a closing statement. The hearing officer will then advise the parties that in accordance with Section 30 of the Act all expenses incurred by the Board in conducting the hearing shall be paid by the parties equally and further that if the complainant substantially prevails it will be awarded attorney's fees and costs in accordance with Section 13 of the Act. The hearing officer shall also advise the complainant that it should submit as soon as possible a detailed billing setting forth the dates, times, hours and other expenses it incurred in the hearing process.

6) The hearing officer shall then take the matter under advisement, review the evidence and make a written recommendation to the Board, including any award of attorney's fees and costs, by submitting it to the Secretary who shall then forward it to the Board member to whom it was assigned and serve it upon the parties.

d) The Board member shall review the recommendation, any exceptions and briefs submitted, and make a recommendation to the Board.

e) The Board shall then review the case file, the recommendation of the hearing officer, any exceptions and briefs, and the recommendation of the Board member. The Board shall then issue a final order which shall include any award of attorney's fees and costs or the amount of Board expenses payable by each party. The final order shall be forwarded to the Secretary who shall then serve it upon the parties.

(Source: Added at 20 Ill. Reg. 1626, effective JAN 15 1996)

## Section 1001.780 Mandatory Settlement Conference

## EMERGENCY

a) The hearing officer assigned to the case may order a mandatory settlement conference (conference) if it is felt that such a conference would promote any of the following:

- 1) A clarification of issues and/or violations;
- 2) A settlement of the matter without a hearing;
- 3) What each party expects from the hearing process and would settle for without a hearing.

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- 4) If a hearing is necessary, an estimate of the length of the hearing, the number of witnesses and volume of documentation, and an estimate of the hearing costs to be assessed to the parties.
- b) If the hearing officer orders a conference, it shall be done by notifying the Secretary who shall then send a Notice of Mandatory Settlement Conference to each party. This notice shall advise the parties of the time and place of the conference and that failure to appear, be prepared, or have authority to settle the matter could result in any of the actions set forth in Section 29 of the Act.
- c) A conference may be conducted in person or by telephone as deemed appropriate by the hearing officer.
- d) If the conference results in a settlement of the matter to the satisfaction of the parties, the complainant shall submit a written withdrawal of its notice of protest which shall close the matter.
- e) If the conference does not result in a settlement of the matter, the hearing shall proceed as scheduled.

(Source: Added at 20 Ill. Reg. 1626, effective JAN 15 1996 )

## Section 1001.785 Technical Issues

EMERGENCY

- a) If a notice of protest involves a violation of Section 4(e)(8) of the Act in which a mileage determination is relevant, that determination shall be made by the submission of a land survey performed by a Illinois professional land surveyor. The survey shall measure from a point at the current location that is the closest point to the relocation site to a point at the relocation site that is the furthest from the current location. This measurement shall be a straight line as the crow flies, not the most direct route by vehicle. Each party may submit such a survey or may agree upon one surveyor whose determination shall govern. If the parties each submit a survey showing different results, the hearing officer shall have a survey completed by a surveyor approved by the Secretary which shall govern, the cost of which shall be paid by the parties.

- b) In Section 4(e)(8)(C) of the Act, *further away from the nearest dealer of the same line make* shall mean that the new proposed dealer location is further from the nearest dealer of the same line make when measured from the new location to its nearest dealer of the same line make as compared to a measurement from the original dealer location to its nearest dealer of the same line make. The measurement shall be made as described in subsection (a) above.

(Source: Added at 20 Ill. Reg. 1626, effective JAN 15 1996 )

## Section 1001.790 Hearing Expenses; Attorney's Fees

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EMERGENCY

- a) Expenses assessed against the parties to the hearing shall be as provided in Sections 13 and 30 of the Act. Costs that are to be assessed as required in Section 13 of the Act shall include all expenses incurred by the Board in conducting the hearing as well as costs incurred by the complainant.
- b) The dollar amount of the expenses shall be the actual amount incurred by the Secretary and the complainant, which shall include but not be limited to: hearing officer and Board member compensation, postage, mailing, faxing or other electronic communication expenses, and other expenses directly attributable to a case including those incurred by a mandatory settlement conference.
- c) Attorney's fees awarded to a party shall be based upon the hourly rate or fee that is usual and customary for the area in which the hearing is held.

(Source: Added at 20 Ill. Reg. 1626, effective JAN 15 1996 )

## Section 1001.795 Invalidity

EMERGENCY

If any portion of this Subpart shall be held by a court of competent jurisdiction to be invalid, such holding shall not affect the remaining portions hereof.

(Source: Added at 20 Ill. Reg. 1626, effective JAN 15 1996 )



## DEPARTMENT OF AGRICULTURE

## NOTICE OF PUBLIC HEARINGS ON PROPOSED RULES

- 1) Heading of the Part: Grain Code
- 2) Code Citation: 8 Ill. Adm. Code 281
- 3) Register Citation to Notice of Proposed Amendments: 20 Ill. Reg. 1; January 5, 1996
- 4) Date, Time and Location of Public Hearings:  
 Thursday, February 1, 1996, 1:30 p.m.  
 Sauk Valley Community College  
 Room #2K2  
 173 Ill. Rte. #2  
 Dixon, IL 61021  
 Tuesday, February 6, 1996, 9:00 a.m.  
 Department of Agriculture Building  
 8th & Sangamon, State Fairgrounds  
 Springfield, IL 62794-9281
- 5) Other Pertinent Information:

Each person presenting oral testimony shall provide a written copy of such testimony at the time the oral testimony is presented.

Individuals who are unable to attend the public hearings but wish to comment on the Proposed Rules should submit written comments to:

Department of Agriculture  
 Attention: Debbie Wakefield  
 P.O. Box 19281  
 Springfield, IL 62794-9281  
 (217) 785-5713; FAX: (217) 785-4505

All comments received will be fully considered by the agency.

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## JANUARY 1996 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): Pay Plan, 80 Ill. Adm. Code 310

- 1) Rulemaking(s):

- A) Description: Projected amendments to the Department of Central Management Services' Pay Plan will include revisions to the following sections:

In Section 310.50, Definitions, a definition for "In-hiring Rate" will be included within this section.

In Section 310.100, Other Pay Provisions, references pertaining to "Step 1a" will be changed to "Step 1b" to reflect the current entrance salary on the salary schedules for the AFSCME Bargaining Units and the Schedule of Salary Grades. The provision for liquidating accrued compensatory time will be clarified. A provision will be added pertaining to the liquidation of accrued sick leave upon separation from employment.

In Section 310.110, Implementation of Pay Plan Changes for Fiscal Year 1996, the pertinent fiscal year will be revised upon the filing of the new Schedule of Salary Grades.

In Section 310.130, Effective Date, the effective date will be revised upon the filing of the new Schedule of Salary Grades.

In Section 310.230, Part-time Daily or Hourly Special Services Rate, the hourly and daily rates for various classifications are projected for revision.

In Section 310.280, Designated Rate, the revisions that will be made to this section will include the latest changes pertaining to new or abolished positions and annual salaries.

In Section 310.290, Out-of-State or Foreign Service Rate, it is projected that the salary ranges for the out-of-state position titles will be adjusted to maintain the same differential above the in-state position titles.

In Section 310.480, Decreases in Pay, the opening paragraph of this section will be revised to include an explanation that if an employee is reduced to a lower class, their salary may be placed within the "Merit Pay Zone" of the lower class.

In Section 310.490, Other Pay Provisions, a revision to this section will be made pertaining to the liquidation of accrued sick leave upon separation from employment.

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## JANUARY 1996 REGULATORY AGENDA

In Section 310.500, Definitions, the definition for "Maximum Rate of Pay" will be modified. A definition for "Merit Pay Zone Limit" will be added to this section.

In Section 310.530, Implementation, the fiscal year will be revised upon the filing of the Merit Compensation changes.

In Section 310.540, Annual Merit Increase Guidechart, the guidechart will be revised to reflect changes in allowable amounts of salary increases for the level of performance upon implementation of Merit Compensation changes.

In Section 310. Appendix A, Table F, RC-019 (Teamsters, Local #25), the Department of Conservation's name will be changed to Department of Natural Resources.

In Section 310. Appendixes B, C, D and G, salary amendments for Fiscal Year 1997 are anticipated in relation to these salary schedules.

Other amendments will likely be necessary although this cannot be projected at this time.

B) Statutory Authority: Authorized by Section 8a(2) of the Personnel Code [20 ILCS 415/8 and 8a]

C) Schedule of date(s) for hearings, meetings, or other opportunities for public participation: Specific criticisms, suggestions and/or comments can be forwarded to the Department of Central Management Services in writing by interested persons during the First Notice Period of Pay Plan amendments.

D) Date(s) agency anticipates First Notice(s): A proposal to amend Sections 310.50, 310.100, 310.230, 310.480, 310.490, 310.500 and 310. Appendix A, Table F is anticipated to be filed in January, 1996. The other projected amendments are anticipated to be filed at a later date.

E) Affect on small businesses, small municipalities or not for profit corporations: These amendments to the Pay Plan pertain only to State employees subject to the Personnel Code under the Governor. They do not set out any guidelines that are to be followed by local or other jurisdictional bodies within the State.

F) Agency contact person for information:

Mr. Michael Murphy  
Department of Central Management Services

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## JANUARY 1996 REGULATORY AGENDA

Division of Technical Services  
504 William G. Stratton Building  
Springfield, IL 62706  
(217) 782-5601

G) Related rulemakings and other pertinent information: Other amendments may be necessary based on emergent issues regarding State employee salary rates and policies. The Department of Central Management Services has proposed approximately nine amendments to the Pay Plan in an average six month period.

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

JANUARY 1996 REGULATORY AGENDA

a) Part(s) (Heading and Code Citation): Local Tourism and Convention Bureau Program, 14 Ill. Adm. Code 550

1) Rulemaking:

A) Description: The Local Tourism and Convention Bureau Program rules are being amended to increase the ceiling for funding allocations to \$550,000.00.

B) Statutory Authority: Implementing and authorized by 20 ILCS 605/46.6a.

C) Scheduled meeting/hearing date: None at this time.

D) Date agency anticipates First Notice: June 15, 1996

E) Affect on small businesses, small municipalities or not-for-profit corporations: This rulemaking may have some affect on small municipalities where the Convention and Visitors Bureau is a division of same.

F) Agency contact person for information:

Jan Kemmerling  
Bureau of Tourism  
Illinois Department of Commerce & Community Affairs  
620 East Adams Street  
Springfield, IL 62701  
(217) 785-6355

G) Related rulemakings and other pertinent information: None

b) Part(s) (Heading and Code Citation): Low Income Home Energy Assistance Program, 14 Ill. Adm. Code 100, Sub-Part C

1) Rulemaking:

A) Description: Rule changes may be necessary due to federal budget reductions and proposed changes in the enabling legislation.

B) Statutory Authority: Title IV of the Energy Conservation and Production Act of 1976, P.L. 974-386 and the Energy Assistance Act of 1989, P.A. 84-1034, as amended.

C) Scheduled meeting/hearing date: NO schedule has been set as of yet.

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

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D) Date agency anticipates First Notice: June, 1996

E) Affect on small businesses, small municipalities or not-for-profit corporations: Unknown at this time.

F) Agency contact person for information:

Wayne E. Curtis  
Illinois Department of Commerce & Community Affairs  
620 East Adams Street  
Springfield, IL 62701  
(217) 785-6135

G) Related rulemakings and other pertinent information: None

c) Part(s) (Heading and Code Citation): Illinois Enterprise Zone Program, 14 Ill. Adm. Code 520

1) Rulemaking:

A) Description: Section 520.700 of the Enterprise Zone Program (High Impact Business) is being amended to reflect recent legislative action and Section 520.1100 (High Impact Service Facility Machinery and Equipment Sales Tax Exemption) is being amended due to changes to the employment criteria.

B) Statutory Authority: Implementing and authorized by the Illinois Enterprise Zone Act [20 ILCS 655] (See Public Act 82-109).

C) Scheduled meeting/hearing date: None at this time.

D) Date agency anticipates First Notice: February 15, 1996

E) Affect on small businesses, small municipalities or not-for-profit corporations: This rulemaking may have some affect on small municipalities, small businesses and not-for-profit corporations.

F) Agency contact person for information:

Brenda Vager, Deputy Director  
Bureau of Community Development  
Illinois Department of Commerce & Community Affairs  
620 East Adams Street, 5th Floor  
Springfield, IL 62701  
(217) 785-6174

G) Related rulemakings and other pertinent information: None



## DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

## JANUARY 1996 REGULATORY AGENDA

- d) Part(s) (Heading and Code Citation): Illinois AmeriCorps Program, 47 Ill. Adm. Code 610

1) Rulemaking:

A) Description: The Illinois AmeriCorps Program is being amended to change the "Office of the Lt. Governor" to the "Department of Commerce and Community Affairs", as per the Illinois Commission on Community Service Act, 15 ILCS 105.

B) Statutory Authority: Implementing the National and Community Service Trust Act of 1993 (42 U.S.C. 12501, et seq.) and the federal rules promulgated thereunder applicable to the AmeriCorps Program (45 CFR 2506, 2510, 2520, 2521, 2522, 2540).

C) Scheduled meeting/hearing date: None at this time.

D) Date agency anticipates First Notice: April 15, 1996

E) Affect on small businesses, small municipalities or not-for-profit corporations: This rulemaking will have no effect on small businesses, small municipalities or not-for-profit corporations.

F) Agency contact person for information:

Mary S. Sleger  
Illinois Department of Commerce & Community Affairs  
Illinois Commission on Community Service  
100 West Randolph, Suite 3-400  
Chicago, IL 60601  
(312) 814-5225

G) Related rulemakings and other pertinent information: None

- e) Part(s) (Heading and Code Citation): Illinois Community-Based Learn and Serve Program, Code Citation Unknown

1) Rulemaking:

A) Description: This will be a new rulemaking for the Illinois Community-Based Learn and Serve Program. The purpose of these rules is to provide for the implementation and administration of Learn and Serve America, a national service program created by the National and Community Service Act of 1993, within the Department of Commerce and Community Affairs through its Illinois Commission on Community Services.

## DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

## JANUARY 1996 REGULATORY AGENDA

B) Statutory Authority: Implementing the National and Community Service Act of 1990, the National and Community Service Trust Act of 1993 (42 U.S.C. 12501, et seq.) and the federal rules promulgated thereunder applicable to the Learn and Serve Program (45 CFR 2515 and 2517).

C) Scheduled meeting/hearing date: None at this time.

D) Date agency anticipates First Notice: June, 1996

E) Affect on small businesses, small municipalities or not-for-profit corporations: This rulemaking will not affect small businesses. Not-for-profit corporations are eligible to participate in the Learn and Serve Program, but are not mandated to participate. Not-for-profits receiving grant funds must provide a cash or in-kind match at a specified level.

F) Agency contact person for information:

Mary S. Sleger  
Illinois Department of Commerce & Community Affairs  
Illinois Commission on Community Service  
100 West Randolph, Suite 3-400  
Chicago, IL 60601  
(312) 814-5225

G) Related rulemakings and other pertinent information: None

## COMPTROLLER MERIT COMMISSION

## JANUARY 1996 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): Merit Commission Rules (80 Ill. Adm. Code 100)

1) Rulemaking:

A) Description: The rules provide the Merit Commission with the power to review and investigate personnel policies and administrative practices to ensure that they are in compliance with the Merit Employment Code. Upon written recommendations by the Director of Personnel, the rules provide the Commission authority of exempt positions from Jurisdiction B of the Merit Employment Code. The Merit Commission rules also provide protection from unjust discharge, suspension, demotion or geographic transfers of employees of the Office of the Comptroller and outlines procedures to hear allocation appeals and approve or disapprove written charges of employees of the Office of the Comptroller.

B) Statutory Authority: Implementing and authorized by the Comptroller Merit Employment Code [15 ILCS 410].

C) Scheduled meeting/hearing dates: January 18, 1996, February 15, 1996, March 21, 1996, April 18, 1996, May 16, 1996, June 20, 1996.

D) Date agency anticipates First Notice: The Merit Commission does not anticipate any rule changes.

E) Affect on small businesses, small municipalities or not-for-profit corporations: N/A

F) Agency contact person for information:

Marylou Lowder Kent, Chair  
Comptroller Merit Commission  
325 W. Adams Street  
Springfield, IL 62704  
(217) 785-1127

G) Related rulemakings and other pertinent information: N/A

## ILLINOIS DEPARTMENT OF FINANCIAL INSTITUTIONS

## JANUARY 1996 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): The Formulation and Issuance of Schedules of Maximum Rates for Check Cashing and the Writing of Money Orders of Community and Ambulatory Currency Exchanges, 38 Ill. Adm. Code 125

1) Rulemaking:

A) Description: Sets maximum rates that currency exchanges may charge for cashing checks and writing money orders.

B) Statutory Authority: Section 19 of the Illinois Currency Exchange Act (205 ILCS 405/1 et seq.)

C) Scheduled meeting/hearing date: Any future dates have not yet been established.

D) Date agency anticipates First Notice: January 31, 1996.

E) Affect on small business, small municipalities or not-for-profit corporations: The rule will affect currency exchanges.

F) Agency contact person for information:

M. Rose Kelly  
Chief Counsel  
Illinois Department of Financial Institutions  
100 W. Randolph, 15-700  
Chicago, IL 60601  
(312) 814-2008

G) Related rulemaking and other pertinent information: None

- b) Part(s) (Heading and Code Citation): Illinois Credit Union Act, 38 Ill. Adm. Code 190

A) Description: Establishes rules for foreign credit unions applying to do business in Illinois.

B) Statutory Authority: Illinois Credit Union Act (205 ILCS 305/1 et. seq.)

C) Scheduled meeting/hearing date: Any future dates have not yet been established.

D) Date agency anticipates First Notice: May 30, 1996.

E) Affect on small business, small municipalities or

## ILLINOIS DEPARTMENT OF FINANCIAL INSTITUTIONS

## JANUARY 1996 REGULATORY AGENDA

not-for-profit corporations: The rule will affect foreign credit unions.

F) Agency contact person for information:

M. Rose Kelly  
Chief Counsel  
Illinois Department of Financial Institutions  
100 W. Randolph, 15-700  
Chicago, IL 60601  
(312) 814-2008

G) Related rulemaking and other pertinent information: Nonec) Part(s) (Heading and Code Citation): Uniform Disposition of Unclaimed Property Act

A) Description: Establishes guidelines and parameters for assessing fees for late filing and non-filing of unclaimed property reports and for failing to remit unclaimed property.

B) Statutory Authority: 765 ILCS 1025/26C) Scheduled meeting/hearing date: UndeterminedD) Date agency anticipates First Notice: Unknown

E) Affect on small business, small municipalities or not-for-profit corporations: The Department of Commerce and Community Affairs has not made a determination.

F) Agency contact person for information:

M. Rose Kelly  
Chief Counsel  
Illinois Department of Financial Institutions  
100 W. Randolph, 15-700  
Chicago, IL 60601  
(312) 814-2008

G) Related rulemaking and other pertinent information: None

## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## JANUARY 1996 REGULATORY AGENDA

a) Part(s) (Heading and Code Citation): National Affordable Housing Act (HOME) Program

1) Rulemaking:

A) Description: Amends rules to bring them into conformity with the federal HOME Program regulations.

B) Statutory Authority: This rule-making implementing Title II of the National Affordable Housing Act of 1990 (P.L. 101-165) (the "HOME Act") and the regulations promulgated thereunder (24 CFR 92) and are authorized by Sections 7.2, 7.19, 7.24(a) and 7.25 of the Illinois Housing Development Act [20 ILCS 3805 7.2, 7.19, 7.24(a) and 7.25].

C) Scheduled meeting/hearing dates: June 21, 1996.D) Date agency anticipates First Notice: July 15, 1996.

E) Affect on small businesses, small municipalities or not-for-profit corporations: Affects Real estate developers.

F) Agency contact person for information:

Name: Richard B. Muller, Esq.  
Illinois Housing Development Authority.  
Address: 401 N. Michigan Ave., Ste. 900  
Chicago, IL 60611  
Telephone: (312) 836-5327

G) Related rulemakings and other pertinent information: None.

b) Part(s) (Heading and Code Citation): Affordable Housing Bond Program, 47 Ill. Adm. Code 365

1) Rulemaking:

A) Description: Amends rules to reflect timing of loan.

B) Statutory Authority: Sections 7.19 and 7.25 of the Illinois Housing Authority Development Act [20 ILCS 3805/7.19 and 7.25] and Sections 4 and 7(e) of the Illinois Affordable Housing Act [310 ILCS 65/4 and 7(e)].

C) Scheduled meeting/hearing date: May 17, 1996.D) Date agency anticipates First Notice: June 15, 1996.

E) Affect on small businesses, small municipalities or



## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## JANUARY 1996 REGULATORY AGENDA

not-for-profit corporations: None.

F) Agency contact person for information:

Name: Lori Silver-Finkel, Esq.  
Illinois Housing Development Authority  
Address: 401 N. Michigan Ave., Ste. 900  
Chicago, IL, 60611  
Telephone: (312) 836-7341

G) Related rulemakings and other pertinent information: Nonec) Part(s) (Heading and Code Citation: Public Information, Rulemaking and Organization; 2 Ill. Adm. Code 19751) Rulemaking:A) Description: Amends the number of board members in a quorum.B) Statutory Authority: Section 3805/6 of the Illinois Housing Development Act.C) Scheduled meeting/hearing date: March 15, 1996.D) Date agency anticipates First Notice: April 15, 1996.E) Affect on small businesses, small municipalities or not-for-profit corporations: None.F) Agency contact person for information:

Name: Richard B. Muller, Esq.  
Illinois Housing Development Authority  
Address: 401 N. Michigan Ave, Ste. 900  
Chicago, IL 60611  
Telephone: (312) 836-5327

G) Related rulemakings and other pertinent information: Noned) Part(s) (Heading and Code Citation: Low-Income Housing Tax Credit Allocation; 47 Ill. Adm. Code 3501) Rulemaking:A) Description: Amends rules to bring them into conformity with the Illinois Housing Development Authority's Tax Credit Allocation Plan and Section 42 of the Internal Revenue Code (26 U.S.C. 42).B) Statutory Authority: Section 3805/7.24 of the Illinois

## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## JANUARY 1996 REGULATORY AGENDA

Housing Development Act.

C) Scheduled meeting/hearing date: May 17, 1996.D) Date agency anticipates First Notice: April 10, 1996.E) Affect on small businesses, small municipalities or not-for-profit corporations: NoneF) Agency contact person for information:

Name: Richard B. Muller, Esq.  
Illinois Housing Development Authority  
Address: 401 N. Michigan Ave., Ste. 900  
Chicago, IL 60611  
Telephone: (312) 836-5327

G) Related rulemakings and other pertinent information: Nonee) Part(s) (Heading and Code Citation: Single Family Mortgage Purchase Program II, 47 Ill. Adm. Code 250; Homeowner Mortgage Revenue Bond Program, 47 Ill. Adm. Code 260; Multifamily Rental Housing Mortgage Loan Program, 47 Ill. Adm. Code 310; Affordable Housing Program, 47 Ill. Adm. Code 360; Affordable Housing Bond Program, 47 Ill. Adm. Code 365; Affordable Housing Bond Program - Single Family, 47 Ill. Adm. Code 366; National Affordable Housing Act (HOME) Program, 47 Ill. Adm. Code 370.1) Rulemaking:A) Description: Amends waiver section of rules to comply with the Illinois Administrative Procedure Act.B) Statutory Authority: Implementing the Mortgage Subsidy Bond Tax Act of 1980 (26 U.S.C. 103A; Sections 4 and 7(e) of the Illinois Affordable Housing Act (Ill. Rev. Stat. 1989, ch. 67 1/2, pars. 1254 and 1257); Sections 3805/7.14, 3805/7.19, 3805/7.23 and 3805/7.25 of the Illinois Housing Development Act (20 ILCS 3805/7.19 and 3805/7.23); Implementing Title II of the National Affordable Housing Act of 1990 (P.L. 101-165) and the regulations promulgated thereunder (24 CFR 92); authorized by Sections 7.2, 7.19, 7.24(a) and 7.25 of the Illinois Housing Development Act (Ill. Rev. Stat. 1991, ch. 67 1/2, pars. 307.2, 307.19, 30.24(a) and 307.25).C) Scheduled meeting/hearing date: October 18, 1996.D) Date agency anticipates First Notice: November 10, 1996.E) Affect on small businesses, small municipalities or

## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

JANUARY 1996 REGULATORY AGENDA

not-for-profit corporations: None.F) Agency contact person for information:

Name: Stephanie Roodman, Esq.  
Address: Illinois Housing Development Authority  
 401 N. Michigan Ave., Ste. 900  
 Chicago, IL 60611  
Telephone: (312) 836-5343

G) Related rulemakings and other pertinent information: None

## DEPARTMENT OF INSURANCE

JANUARY 1996

## REGULATORY AGENDA

a) Part(s) (Heading and Code Citation): Intergovernmental Joint Insurance Pool Audited Financial Report, 50 Ill. Adm. Code 48251) Rulemaking:

A) Description: This rule will establish standards for an annual audit and report required of joint insurance pools operating pursuant to the authority granted by Section 6 of the Intergovernmental Cooperation Act [5 ILCS 220/6].

B) Statutory Authority: Implementing and authorized by Section 6 of the Intergovernmental Cooperation Act [5 ILCS 220/6], and Section 401 of the Illinois Insurance Code [215 ILCS 5/401].

C) Scheduled meeting/hearing date: No meetings or hearings have been scheduled.

D) Date agency anticipates First Notice: March, 1996.

E) Affect on small businesses, small municipalities or not-for-profit corporations: This rule will affect small municipalities that participate in joint insurance risk pools under the Intergovernmental Cooperation Act.

F) Agency contact person for information:

Name: Cynthia Stephenson  
Address: Department of Insurance  
 320 West Washington Street  
 Fourth Floor  
 Springfield, Illinois 62767-0001  
Telephone: (217) 782-1785

G) Related rulemakings and other pertinent information: It is anticipated that the rule will take effect January 1, 1997. Annual reports prepared after that date will be expected to comply with this new regulation.

b) Part(s) (Heading and Code Citation): Small Employer Carrier Actuarial Certification and Documentation Requirements, 50 Ill. Adm. Code 45001) Rulemaking:

A) Description: This new rule will set standards for the filing and contents of a small employer carrier actuarial certification.

## DEPARTMENT OF INSURANCE

JANUARY 1996

## REGULATORY AGENDA

- B) Statutory Authority: Implementing and authorized by the Small Employer Rating, Renewability and Portability Health Insurance Act [215 ILCS 95/1 et seq.].
- C) Scheduled meeting/hearing date: No meetings or hearings have been scheduled.
- D) Date agency anticipates First Notice: January, 1996.
- E) Affect on small businesses, small municipalities or not-for-profit corporations: This rule will not affect small businesses, municipalities or not-for-profit corporations.
- F) Agency contact person for information:  
Name: Denise Fuchs, Rules Unit Supervisor  
Address: Department of Insurance  
 320 West Washington Street  
 Fourth Floor  
 Springfield, Illinois 62767-0001  
Telephone: (217) 785-8560
- G) Related rulemakings and other pertinent information: The Department will be sending out a Small Employer Group Insurance mailing (#5) in advance of the publication of the Department's proposal in January to all entities with accident and health authority in Illinois.

- c) Part(s) (Heading and Code Citation): Cost Containment Form and Data Reporting Requirements, 50 Ill. Adm. Code 6602

1) Rulemaking:

- A) Description: In response to much input the Department has received concerning our current regulation, we will be revising the majority of this rule. Industry expressed great concern that the Department's requirements could not be understood and they have offered suggestions on how to achieve the same reporting requirements.
- B) Statutory Authority: Implementing and authorized by Section 1204 of the Illinois Insurance Code [215 ILCS 5/1204].
- C) Scheduled meeting/hearing date: The Department has formed a working group of companies that will be meeting during January, 1996.

## DEPARTMENT OF INSURANCE

JANUARY 1996

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- D) Date agency anticipates First Notice: March, 1996.
- E) Affect on small businesses, small municipalities or not-for-profit corporations: These amendments will not affect small businesses, municipalities or not-for-profit corporations.
- F) Agency contact person for information:  
Name: Robert Stevens  
Address: Department of Insurance  
 320 West Washington Street  
 Sixth Floor  
 Springfield, Illinois 62767-0001  
Telephone: (217) 524-8377
- G) Related rulemakings and other pertinent information: Part 6602 will be repealed, and the Department's new cost containment rule will be promulgated under Subchapter tt under Part 4202.



DEPARTMENT OF MENTAL HEALTH  
AND DEVELOPMENTAL DISABILITIES

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- a) Part(s) (Heading and Code Citation): Treatment and Habilitation Services (59 Ill. Adm. Code 112)

1) Rulemaking:

A) Description: This Part regulates the utilization review process, the admission, treatment and habilitation of persons with mental retardation, physical and dental examinations of recipients of services, the use of informed consent, release and burial of deceased recipient, protection of human subjects, and the use of narcotics and the use and administration of psychotropic drugs in Department facilities.

Sections 112.10 will be amended to make the utilization review process applicable to the participating mental health centers which are regulated by the Department rules at 59 Ill. Adm. Code 258, Standards and Requirements for Pre-Admission Screening and Participating Mental Health Centers.

B) Statutory Authority: Implementing Sections 3-207, 3-405, 3-903, 3-910, 4-209, 4-312, 4-704 and 4-709 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/3-207, 3-405, 3-903, 3-910, 4-209, 4-312, 4-704 and 4-709] and authorized by Section 5-104 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/5-104] and Section 5 of the Department of Mental Health and Developmental Disabilities Act [20 ILCS 1705/5].

C) Scheduled meeting/hearing date: The Department has not scheduled any hearings on this rulemaking.

D) Date agency anticipates First Notice: June 1996

E) Affect on small businesses, small municipalities or not-for-profit corporations: This rulemaking will not affect small business, small municipalities or not-for-profit corporations. This rulemaking will only affect Department-operated facilities.

F) Agency contact person for information:

Karl Menninger, II  
Bureau of Rules, Policies and Regulatory Review  
401 Stratton Building  
Springfield, IL 62765  
(217) 782-6702

G) Related rulemakings and other pertinent information: None

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- b) Part(s) (Heading and Code Citation): Purchase of Service Programs for Individuals with a Developmental Disability (59 Ill. Adm. Code 114)

1) Rulemaking:

A) Description: This new Part establishes the Department's policies and procedures for funding community-based services for eligible individuals in purchase of service-funded programs.

B) Statutory Authority: Implementing Section 3 of the Community Services Act [405 ILCS 30/3], the Community Residential Alternatives Licensing Act [210 ILCS 140], the Community-Integrated Living Arrangements Licensure and Certification Act [210 ILCS 135] and Sections 15 and 15.2 of the Department of Mental Health and Developmental Disabilities Act [20 ILCS 1705/15 and 15.2] and authorized by the Community Residential Alternatives Licensing Act [210 ILCS 140]. Section 9 of the Community-Integrated Living Arrangements Licensure and Certification Act [210 ILCS 135/9], Section 5-104 of the Mental Health and Developmental Disabilities Code and Sections 15 and 15.2 of the Department of Mental Health and Developmental Disabilities Act [20 ILCS 1705/15 and 15.2].

C) Scheduled meeting/hearing date: The Department has not scheduled any hearings on this rulemaking. However, the Department routinely involves providers of services to individuals with developmental disabilities or mental illness in the development of its rules and amendments to those rules, through the formation of committees on which the providers and other interested parties participate. In this manner, the public affected by the rulemaking can actively participate in the rulemaking's development.

D) Date agency anticipates First Notice: June 1996

E) Affect on small businesses, small municipalities or not-for-profit corporations: This rulemaking will affect community providers of purchase of service programs for individuals with developmental disabilities.

F) Agency contact person for information:

Karl Menninger, II  
Bureau of Rules, Policies and Regulatory Review  
401 Stratton Building  
Springfield, IL 62765  
(217) 782-6702

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G) Related rulemakings and other pertinent information: None

- c) Part(s) (Heading and Code Citation): Family Assistance and Home-Based Support Programs for Persons with Mental Disabilities (59 Ill. Adm. Code 117)

1) Rulemaking:

A) Description: The Home-Based Support Services Law for Mentally Disabled Adults [405 ILCS 80/2-1] authorizes the Department to encourage, develop, sponsor and fund home-based services for adults who are mentally disabled in order to provide alternatives to institutionalization and to permit them to remain in their own homes.

The Family Assistance Law for Mentally Disabled Children [405 ILCS 80/3-1] mandates the Department to strengthen and promote families who provide care in the family home for children whose level of mental illness or developmental disability constitutes a risk of out-of-home placement.

Part 117 will be amended to implement P.A. 88-388, effective August 20, 1993 as well as to clarify Department policy concerning the use of funds which providers and families receive through the programs regulated by these rules. It is also being amended to clarify the random selection process which is used to choose individuals for participation in the programs and to clarify which individuals are entitled to have a hearing. Criteria for service termination will be expanded, provisions for a lump sum payment to participating families and for the reinstatement of a stipend will be added, and the eligibility criteria for adults with mental illness will be changed. In addition, numerous technical changes, such as updating statutory citations, will be made.

B) Statutory Authority: Implementing the Home-Based Support Services Law for Mentally Disabled Adults [405 ILCS 80/2-1] and the Family Assistance Law for Mentally Disabled Children [405 ILCS 80/3-1] and authorized by Section 5-104 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/5-104 and Section 5 of the Department of Mental Health and Developmental Disabilities Act [20 ILCS 1705/5].

C) Scheduled meeting/hearing date: The Department has not scheduled any hearings on this rulemaking. However, the Department routinely involves other State agencies, such as the Department of Public Aid, and providers of services to individuals with

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developmental disabilities or mental illness in the development of its rules and amendments to those rules, through the formation of committees on which the providers and other State agencies are represented. In this manner, the public affected by the rulemaking, can actively participate in the rulemaking's development.

D) Date agency anticipates First Notice: March 1996

E) Affect on small businesses, small municipalities or not-for-profit corporations: This rulemaking will affect community providers of mental health and developmental disabilities services.

F) Agency contact person for information:

Karl Menninger, II  
Bureau of Rules, Policies and Regulatory Review  
401 Stratton Building  
Springfield, IL 62765  
(217) 782-6702

G) Related rulemakings and other pertinent information: None

d) Part(s) (Heading and Code Citation): Intermediate Care Programs for Persons with Developmental Disabilities (title is tentative; Part number(s) not yet assigned)

1) Rulemaking:

A) Description: This rulemaking will involve the development of one or more Parts. Initially, at least one Department of Public Aid rule and possibly portions of other Department of Public Aid rules concerning intermediate care programs for persons with developmental disabilities will be recodified as Department of Mental Health and Developmental Disabilities rules. These rules will then be amended as necessary. This action is being taken in response to House Bill 3713 (P.A. 87-9666, effective January 1, 1993) which transfers the responsibility for these programs from the Department of Public Aid to the Department of Mental Health and Developmental Disabilities.

B) Statutory Authority: Implementing Section 18.2 of the Mental Health and Developmental Disabilities Act [20 ILCS 1705/18.2] and authorized by Section 5-104 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/5-104 and Section 5 of the Department of Mental Health and Developmental Disabilities Act

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[20 ILCS 1705/5].

C) Scheduled meeting/hearing date: The Department has not scheduled any hearings on this rulemaking. However, the Department routinely involves other State agencies, such as the Department of Public Aid, and providers of services to individuals with developmental disabilities or mental illness in the development of its rules and amendments to those rules, through the formation of committees on which the providers and other State agencies are represented. In this manner, the public affected by the rulemaking can actively participate in the rulemaking's development.

D) Date agency anticipates First Notice: July 1996

E) Affect on small businesses, small municipalities or not-for-profit corporations: This rulemaking will affect community providers of intermediate care facilities for individuals with developmental disabilities.

F) Agency contact person for information:

Karl Menninger, II  
Bureau of Rules, Policies and Regulatory Review  
401 Stratton Building  
Springfield, IL 62765  
(217) 782-6702

G) Related rulemakings and other pertinent information: None

e) Part(s) (Heading and Code Citation): Office of the Inspector General Investigations of Alleged Incidents of Abuse and Neglect in Community Agencies (Part number(s) not yet assigned)

1) Rulemaking:

A) Description: This rulemaking will implement Senate Bill 388 (P.A. 89-427, effective December 7, 1995) which amended the inspector general provisions of the Abused and Neglected Long Term Care Facility Residents Reporting Act [210 ILCS 30/6.2 through 6.8]. This rulemaking will establish minimum requirements for initiating, conducting and completing investigations by the Office of the Inspector General of allegations of abuse or neglect in community agencies.

B) Statutory Authority: Implementing Sections 6.2 through 6.8 of the

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Abused and Neglected Long Term Care Facility Residents Reporting Act [210 ILCS 30/6.2 through 6.8] and authorized by Section 6.2 of the Abused and Neglected Long Term Care Facility Residents Reporting Act [210 ILCS 30/6.2].

C) Scheduled meeting/hearing date: The Department has scheduled a mid-January meeting of the work group to begin discussing a preliminary draft of this rulemaking. The work group is composed of Department employees and members of interest groups which represent community agencies serving the mentally disabled as well as representatives from employees' associations. The work group will meet periodically to discuss this rulemaking and will be actively involved in the formal rulemaking process. The agencies which the members of the work group represent, will be kept informed of this rulemaking during its development, will receive copies of the rulemaking during the first notice period and will be invited to make comments on the rulemaking.

D) Date agency anticipates First Notice: June 1996

E) Affect on small businesses, small municipalities or not-for-profit corporations: This rulemaking will affect community providers of mental health and developmental disabilities services.

F) Agency contact person for information:

Karl Menninger, II  
Bureau of Rules, Policies and Regulatory Review  
401 Stratton Building  
Springfield, IL 62765  
(217) 782-6702

G) Related rulemakings and other pertinent information: None



## POLLUTION CONTROL BOARD

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- a) Part(s) Heading(s) and Code Citation(s): Alternate Fuel Program, 35 Ill. Adm. Code 275

1) Rulemaking:

- A) Description: Pursuant to Public Law #89-410, the Agency will propose rules to: 1) Establish requirements and procedures for rebates for person(s) in the State of Illinois that purchase or convert an existing vehicle to an alternate fuel vehicle that meets the low emission vehicle (LEV) standards in 40 CFR 88; 2) Establish requirements and procedures for rebates for person(s) in the State of Illinois that purchase clean alternative fuels; and 3) Tie-in this program to, and make it consistent with, the Agency's clean fuel fleet program under 35 Ill. Adm Code 241, a program that will be operated by the Illinois Environmental Protection Agency (Agency).

- B) Statutory Authority: Public Law #89-410.

- C) Scheduled meeting/hearing dates: None scheduled at this time. However, the Agency will schedule a hearing as soon as practicable after formulation of the rules in cooperation with the Task Force created pursuant to Public Law #89-410.

- D) Date agency anticipates First Notice: Not yet determined.

- E) Affect on small business, small municipalities or not-for-profit corporations: Yes. To the extent funds created under the program are available, the rules will give small businesses a new opportunity to obtain rebates for purchasing new vehicles or converting existing vehicles to vehicles that meet the federal low emission vehicle (LEV) standards (See: 40 CFR 88), and will also give small businesses a new opportunity for rebates for purchasing and using clean alternative fuels. Rebates will be given, to the extent of available funds, for up to 80%, as applicable, of the cost differential between an LEV and a standard vehicle, and the cost of converting an existing vehicle to an LEV standard, and the cost differential between a clean alternative fuel and conventional diesel or gasoline fuel, as appropriate. Small businesses will have priority in receiving the rebates, however, rebates are limited to the extent of available funds collected for this purpose. To the extent that small businesses have fleets of ten or more vehicles that operate in the Chicago ozone nonattainment area, they will be required to pay an annual fee of \$20 per vehicle, as will large businesses with fleets of ten or more vehicles. State, county, and local governments, owners of antique and electric vehicles and motorcycles, and rental car companies are exempt from the fee requirements.

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- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 W. Randolph St., Ste. 11-500  
Chicago, IL 60601  
(312) 814-6931

Address questions concerning this regulatory agenda as follows:

Rachel L. Doctors  
Illinois Environmental Protection Agency  
2200 Churchill Road  
P.O. Box 19276  
Springfield, IL 62794-9276  
(217) 524-3333

- G) Other pertinent information concerning these amendments: This rulemaking is required by Public Law #89-410 and the rules governing this program will be developed in cooperation with the Task Force appointed by the Governor of Illinois.

- b) Part(s) Heading(s) and Code Citation(s): General Conformity, 35 Ill. Adm. Code 255

1) Rulemaking:

- A) Description: The proposed Agency rules will add a new part, 35 Ill. Adm. Code 255, to address the requirements of Section 176 of the Clean Air Act; that Illinois adopt criteria and procedures for federal agencies to use in determining whether federal projects in Illinois' nonattainment and maintenance areas conform to the applicable state implementation plan. These rules will apply to the following nonattainment and maintenance areas: for ozone - Chicago, Metro-East, and Jersey County areas, for sulfur dioxide - Peoria/Tazewell area, and for PM-10 - Granite City, Lake Calumet, Oglesby and McCook areas. The regulations will contain definitions, notice and consultation procedures, criteria, as well as procedures for mitigation of air quality impacts.

- B) Statutory Authority: Section 4 of the Illinois Environmental Protection Act [415 ILCS 5/4 (1992)].

- C) Scheduled meeting/hearing dates: The Illinois Environmental Protection Agency will be meeting with interested parties in the Summer or Early Fall of 1996.

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- D) Date Agency anticipates First Notice: A Fall 1996 submittal is expected.
- E) Affect on small business, small municipalities or not-for-profit corporations: As this regulation applies to federal actions, it is not expected to impact privately-owned small businesses.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Dorothy Gunn, Clerk  
Pollution Control Board  
100 W. Randolph St., Ste. 11-500  
Chicago, IL 60601  
(312) 814-6931

Address questions concerning this regulatory agenda as follows:

Rachel L. Doctors  
Illinois Environmental Protection Agency  
2200 Churchill Road  
P.O. Box 19276  
Springfield, IL 62794-9276  
(217) 524-3333

- G) Other pertinent information concerning these amendments: This is an Agency regulation rather than a Pollution Control Board regulation since it concerns procedures rather than emissions standards or control requirements. The Clean Air Act requires that federal agencies ensure that their projects and actions, including funding and permitting of projects do not interfere with the State's attainment plan.

- c) Part(s) (Heading and Code Citation): Procedures for Issuing Loans from the Water Pollution Control Revolving Fund, 35 Ill. Adm. Code 365

1) Rulemaking:

- A) Description: This rulemaking is to provide amendments to the Agency procedures for certain federal requirements that were identified in Title II of the federal Clean Water Act but are no longer required by federal procedures.

- B) Statutory Authority: Implementing and authorized by Sections 19.1 through 19.8 of the Environmental Protection Act, 415 ILCS 5/19.1 through 5/19.8 (1994).

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- C) Scheduled meeting/hearing date: The Illinois Environmental Protection Agency ("Agency") does not anticipate a hearing or meeting on these proposed rules.
- D) Date agency anticipates First Notice: March 1996
- E) Affect on Small Businesses, small municipalities or not-for-profit corporations: The loan program is limited to units of local government, not small businesses or not-for-profit corporations. No additional professional skills are required by these amendments.

F) Agency contact person for information:

Ron Drainer, Manager  
Grants Administration  
Division of Water Pollution Control  
Bureau of Water  
Illinois Environmental Protection Agency  
2200 Churchill Road  
P.O. Box 19276  
Springfield, IL 62794-9276  
(217) 782-2027

- G) Related rulemaking and other pertinent information: Amendments to "Procedures and Requirements for Determining Loan Priorities for Municipal Wastewater Treatment Works," 35 Ill. Adm. Code 366.

- d) Part(s) (Heading and Code Citation): Procedures and Requirements for Conflict Resolution in Revising Water Quality Management Plans, 35 Ill. Adm. Code 351

1) Rulemaking:

- A) Description: Simplification of the process used by the Agency to resolve disputes over amendments to Illinois Water Quality Management Plans.

- B) Statutory Authority: Authorized by Sections 4(1), 4(m), and 39(b) of the Illinois Environmental Protection Act, 415 ILCS 5/4(1) and 4(m) and 5/39(b).

- C) Scheduled meeting/hearing date: Not yet determined.

- D) Date agency anticipates First Notice: June 1996

- E) Affect on Small Businesses, small municipalities or not-for-profit

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corporations: These amendments will affect small municipalities.

F) Agency contact person for information:

Richard C. Warrington  
Associate Counsel  
Illinois Environmental Protection Agency  
2200 Churchill Road  
P.O. Box 19276  
Springfield, IL 62794-9276  
(217) 782-5544

G) Related rulemaking and other pertinent information: None.

## DEPARTMENT OF PROFESSIONAL REGULATION

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a) Part(s) (Heading and Code Citation): Naprapathic Practice Act (68 Ill. Adm. Code to be assigned)

1) Rulemaking:

A) Description: Rules to implement the Naprapathic Practice Act will be proposed. The new Part will include application, restoration and renewal language. Education and experience requirements will be set forth in addition to any other rules required for licensure of naprapaths in Illinois.

B) Statutory Authority: [225 ILCS 63]

C) Scheduled meeting/hearing date: No hearings or meetings have been scheduled yet.

D) Date agency anticipates First Notice: Unknown.

E) Affect on small businesses, small municipalities or not-for-profit corporations: No person shall practice or attempt to practice naprapathy in Illinois without a valid license as a naprapath issued by the Department of Professional Regulation.

F) Agency contact person for information:

Department of Professional Regulation  
Attention: Jean A. Courtney  
320 West Washington, 3rd Floor  
Springfield, IL 62786  
217/785-0813  
Fax: 217/782-7645

G) Related rulemakings and other pertinent information: None.

b) Part(s) (Heading and Code Citation): Professional Counselor and Clinical Professional Counselor Licensing Act (68 Ill. Adm. Code 1375)

1) Rulemaking:

A) Description: Two sections will be added to the professional counselor and clinical professional counselor rules. One section will set forth professional ethics standards for licensed professional counselors and licensed clinical professional counselors. An appendix will be added defining the courses set forth in Section 1375.50 and 1375.140 for approved programs in counseling. Other sections may need to



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be revised due to the newness of regulation of this profession.

B) Statutory Authority: [225 ILCS 1375]

C) Scheduled meeting/hearing date: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: Unknown.

E) Affect on small businesses, small municipalities or not-for-profit corporations: All licensed professional counselors and licensed clinical professional counselors will be required to meet professional ethics standards set forth in the rules.

F) Agency contact person for information:

Department of Professional Regulation  
Attention: Jean A. Courtney  
320 West Washington, 3rd Floor  
Springfield, IL 62786  
217/785-0813  
Fax: 217/782-7645

G) Related rulemakings and other pertinent information:  
None.

c) Part(s) (Heading and Code Citation): Public Accounting Act (Professional Conduct) (68 Ill. Adm. Code 1430)

1) Rulemaking:

A) Description: The Professional Conduct Rules are being rewritten due to Sunset Review of the Public Accounting Act.

B) Statutory Authority: [225 ILCS 450]

C) Scheduled meeting/hearing date: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: Unknown

E) Affect on small businesses, small municipalities or not-for-profit corporations: Registered public accountants are required to follow professional conduct rules.

F) Agency contact person for information:

## DEPARTMENT OF PROFESSIONAL REGULATION

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Department of Professional Regulation  
Attention: Jean A. Courtney  
320 West Washington, 3rd Floor  
Springfield, IL 62786  
217/785-0813 Fax: 217/782-7645

G) Related rulemakings and other pertinent information: None.

d) Part(s) (Heading and Code Citation): Medical Practice Act of 1987 (68 Ill. Adm. Code 1285)

1) Rulemaking:

A) Description: The medical rules will be amended to update sections regarding approved postgraduate clinical training programs (1285.40), application for examination (1285.50), licensure by endorsement (1285.80), visiting physician permits (1285.101), the renewal section (1285.120) to allow for hearings of licensees whom the Department intends to deny, and other sections as may be needed.

B) Statutory Authority: [225 ILCS 425]

C) Scheduled meeting/hearing date: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: Unknown.

E) Affect on small businesses, small municipalities or not-for-profit corporations: The effects on licensed physicians are yet to be determined.

F) Agency contact person for information:

Department of Professional Regulation  
Attention: Jean A. Courtney  
320 West Washington, 3rd Floor  
Springfield, IL 62786  
217/785-0813 Fax: 217/782-7645

G) Related rulemakings and other pertinent information: None.

e) Part(s) (Heading and Code Citation): Clinical Psychologist Licensing Act (68 Ill. Adm. Code 1400)

1) Rulemaking:

A) Description: The Department anticipates modifying the

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psychology rules to implement P.A. 89-0387 for the licensure of senior psychologists.

B) Statutory Authority: [225 ILCS 15]

C) Scheduled meeting/hearing date: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: Unknown.

E) Affect on small businesses, small municipalities or not-for-profit corporations: This rulemaking will affect applicants for licensure who have been licensed to practice psychology in one or more other states or Canada for at least 20 years.

F) Agency contact person for information:

Department of Professional Regulation  
Attention: Jean A. Courtney  
320 West Washington, 3rd Floor  
Springfield, IL 62786  
217/785-0813 Fax: 217/782-7645

G) Related rulemakings and other pertinent information: None.

f) Part(s) (Heading and Code Citation): Rules of Practice in Administrative Hearings (68 Ill. Adm. Code 1110)

1) Rulemaking:

A) Description: The administrative rules are being rewritten in their entirety.

B) Statutory Authority: [225 ILCS 100]

C) Scheduled meeting/hearing date: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: Unknown.

E) Affect on small businesses, small municipalities or not-for-profit corporations: None.

F) Agency contact person for information:

Department of Professional Regulation  
Attention: Jean A. Courtney

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320 West Washington, 3rd Floor  
Springfield, IL 62786  
217/785-0813 Fax: 217/782-7645

G) Related rulemakings and other pertinent information: None.

g) Part(s) (Heading and Code Citation): Pharmacy Practice Act of 1987 (68 Ill. Adm. Code 1330)

1) Rulemaking:

A) Description: The Board of Pharmacy has recommended that rules for drug counseling as defined in Section 3 of the Act be implemented.

B) Statutory Authority: [225 ILCS 85]

C) Scheduled meeting/hearing date: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: Unknown.

E) Affect on small businesses, small municipalities or not-for-profit corporations: Licensed pharmacists will be affected.

F) Agency contact person for information:

Department of Professional Regulation  
Attention: Jean A. Courtney  
320 West Washington, 3rd Floor  
Springfield, IL 62786  
217/785-0813 Fax: 217/782-7645

G) Related rulemakings and other pertinent information: None.

h) Part(s) (Heading and Code Citation): Podiatric Medical Practice Act of 1987 (68 Ill. Adm. Code 1360)

1) Rulemaking:

A) Description: Section 1360.85, pertaining to advertising, will be amended to provide that a podiatric physician may advertise certification by a certifying specialty board approved by the Podiatric Medical Licensing Board or by the Council on Podiatric Medical Education.

B) Statutory Authority: [225 ILCS 100]

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C) Scheduled meeting/hearing date: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: Unknown.

E) Affect on small businesses, small municipalities or not-for-profit corporations: Licensed podiatric physicians will be affected by this clarification of acceptable advertising.

F) Agency contact person for information:

Department of Professional Regulation  
Attention: Jean A. Courtney  
320 West Washington, 3rd Floor  
Springfield, IL 62786  
217/785-0813 Fax: 217/782-7645

G) Related rulemakings and other pertinent information: None.

i) Part(s) (Heading and Code Citation): Illinois Dental Practice Act (68 Ill. Adm. Code 1220)

1) Rulemaking:

A) Description: Amendments will be necessary to outline the replacement examination for the Combined Regional Examination (CORE). In addition, the Board of Dentistry has recommended other updates to conform with the 1995 sunset rewrite of the Act.

B) Statutory Authority: [225 ILCS 25]

C) Scheduled meeting/hearing date: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: Unknown.

E) Affect on small businesses, small municipalities or not-for-profit corporations: Licensed dentists, dental hygienists and dental specialists may be affected by this rulemaking.

F) Agency contact person for information:

Department of Professional Regulation  
Attention: Jean A. Courtney  
320 West Washington, 3rd Floor

## DEPARTMENT OF PROFESSIONAL REGULATION

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Springfield, IL 62786  
217/785-0813 Fax: 217/782-7645

G) Related rulemakings and other pertinent information: None.

j) Part(s) (Heading and Code Citation): Professional Geologist Licensing Act (68 Ill. Adm. Code to be selected)

1) Rulemaking:

A) Description: A new Part will be written to implement the Act which created this newly regulated profession in Illinois. When the rules are adopted, the Department can start accepting applications for licensure of geologists.

B) Statutory Authority: Public Act 89-0366, effective July 1, 1996

C) Scheduled meeting/hearing date: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: Unknown.

E) Affect on small businesses, small municipalities or not-for-profit corporations: No person may, without a valid license issued by the Department, hold himself or herself out to the public as a licensed professional geologist; attach the title "Licensed Professional Geologist" to his or her name; or render or offer to render to individuals, corporations, or public agencies services constituting the practice of professional geology.

F) Agency contact person for information:

Department of Professional Regulation  
Attention: Jean A. Courtney  
320 West Washington, 3rd Floor  
Springfield, IL 62786  
217/785-0813 Fax: 217/782-7645

G) Related rulemakings and other pertinent information: None.

k) Part(s) (Heading and Code Citation): The Private Detective, Private Alarm, Private Security, and Locksmith Act of 1993 (68 Ill. Adm. Code 1240)

1) Rulemaking:



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A) Description: Public Act 89-0366 amended the Private Detective, Private Alarm and Private Security Act of 1993 to provide for the licensure of locksmiths. When adopted, new rules will allow the Department to start accepting applications for this newly regulated profession in Illinois. Locksmith rules will be integrated into the existing rules for private detectives, alarm contractors and security contractors.

B) Statutory Authority: [225 ILCS 446]

C) Scheduled meeting/hearing date: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: Unknown.

E) Affect on small businesses, small municipalities or not-for-profit corporations: Persons engaged in the practice of locksmithing in Illinois will be required to obtain a license from the Department of Professional Regulation.

F) Agency contact person for information:

Department of Professional Regulation  
Attention: Jean A. Courtney  
320 West Washington, 3rd Floor  
Springfield, IL 62786  
217/785-0813 Fax: 217/782-7645

G) Related rulemakings and other pertinent information: None.

1) Part(s) (Heading and Code Citation): The Respiratory Care Practice Act (68 Ill. Adm. Code to be assigned)

1) Rulemaking:

A) Description: Public Act 89-0033, effective January 1, 1996, provides for the licensure of respiratory care practitioners. When adopted, new rules will allow the Department to start accepting applications for this newly regulated profession in Illinois.

B) Statutory Authority: P.A. 89-0033, effective January 1, 1996

C) Scheduled meeting/hearing date: No hearings or meetings have been scheduled.

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D) Date agency anticipates First Notice: Unknown.

E) Affect on small businesses, small municipalities or not-for-profit corporations: Persons engaged in the practice of respiratory care in Illinois will be required to obtain a license from the Department of Professional Regulation in order to call themselves respiratory care practitioners.

F) Agency contact person for information:

Department of Professional Regulation  
Attention: Jean A. Courtney  
320 West Washington, 3rd Floor  
Springfield, IL 62786  
217/785-0813 Fax: 217/782-7645

G) Related rulemakings and other pertinent information: None.

m) Part(s) (Heading and Code Citation): Illinois Architecture Practice Act of 1989 (68 Ill. Adm. Code 1150)

1) Rulemaking:

A) Description: Sections pertaining to the Intern Development Program will be updated, including a requirement that all applicants utilize the National Council of Architectural Registration Boards or an equivalent record keeping entity recommended by the Architect Licensing Board to collect, evaluate and certify all training data and records required for compliance with this Part. In addition, Section 1150.80 will be amended to provide for registration of limited liability companies.

B) Statutory Authority: [225 ILCS 305]

C) Scheduled meeting/hearing date: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: Unknown.

E) Affect on small businesses, small municipalities or not-for-profit corporations: This rulemaking will affect persons who desire to practice architecture in Illinois.

F) Agency contact person for information:

Department of Professional Regulation

## DEPARTMENT OF PROFESSIONAL REGULATION

## JANUARY 1996 REGULATORY AGENDA

Attention: Jean A. Courtney  
320 West Washington, 3rd Floor  
Springfield, IL 62786  
217/785-0813 Fax: 217/782-7645

- G) Related rulemakings and other pertinent information: None.

n) Part(s) (Heading and Code Citation): The Professional Engineering Practice Act of 1989 (68 Ill. Adm. Code 1380)

1) Rulemaking:

A) Description: Sections 1380.240 and 1380.250, concerning persons applying to take the Engineer Intern and Professional Engineer examinations, will be updated. This will include requirements of P.A. 89-0204 for proof of completion of the Test of English as a Foreign Language (TOEFL) with a score of 550 and Test of Spoken English (TSE) with a score of 50 for all applicants applying after January 1, 1996, who graduated from an engineering program outside the United States or its territories and whose first language is not English. In addition, Section 1380.290 will be amended to provide for professional design firm registration, including limited liability companies.

B) Statutory Authority: [225 ILCS 325]

C) Scheduled meeting/hearing date: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: Unknown.

E) Affect on small businesses, small municipalities or not-for-profit corporations: This rulemaking will affect persons who desire to practice professional engineering in Illinois.

F) Agency contact person for information:

Department of Professional Regulation  
Attention: Jean A. Courtney  
320 West Washington, 3rd Floor  
Springfield, IL 62786  
217/785-0813 Fax: 217/782-7645

- G) Related rulemakings and other pertinent information: None.

o) Part(s) (Heading and Code Citation): Illinois Professional Land

## DEPARTMENT OF PROFESSIONAL REGULATION

## JANUARY 1996 REGULATORY AGENDA

Surveyor Act of 1989 (68 Ill. Adm. Code 1270)

1) Rulemaking:

A) Description: A new section will be added to provide rules for the perpetuation of monuments under the Land Survey Monuments Act [765 ILCS 220]. All licensed land surveyors who conduct surveys pursuant to the Land Survey Monuments Act will be required to comply with standards set forth in this new section. In addition, the rules will be amended to provide for professional design firm registration, including limited liability companies.

B) Statutory Authority: [225 ILCS 330]

C) Scheduled meeting/hearing date: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: Unknown.

E) Affect on small businesses, small municipalities or not-for-profit corporations: This rulemaking will affect licensed land surveyors.

F) Agency contact person for information:

Department of Professional Regulation  
Attention: Jean A. Courtney  
320 West Washington, 3rd Floor  
Springfield, IL 62786  
217/785-0813 Fax: 217/782-7645

- G) Related rulemakings and other pertinent information: None.

p) Part(s) (Heading and Code Citation): The Structural Engineering Licensing Act of 1989 (68 Ill. Adm. Code 1480)

1) Rulemaking:

A) Description: Section 1480.200, pertaining to corporations and partnerships, will be amended to provide for professional design firm registration, including limited liability companies.

B) Statutory Authority: [225 ILCS 340]

C) Scheduled meeting/hearing date: No hearings or meetings have been scheduled.

## DEPARTMENT OF PROFESSIONAL REGULATION

## JANUARY 1996 REGULATORY AGENDA

D) Date agency anticipates First Notice: Unknown.

E) Affect on small businesses, small municipalities or not-for-profit corporations: This rulemaking will affect persons who desire to practice structural engineering in Illinois in the form of a partnership or corporation.

F) Agency contact person for information:

Department of Professional Regulation  
Attention: Jean A. Courtney  
320 West Washington, 3rd Floor  
Springfield, IL 62786  
217/785-0813 Fax: 217/782-7645

G) Related rulemakings and other pertinent information: None.

## ILLINOIS RACING BOARD

## JANUARY 1996 REGULATORY AGENDA

a) Part(s) (Heading and Code Citation):

Public Information Rules/Rulemaking; 11 Ill. Adm. Code 2250  
Access to Information of the Illinois Racing Board; 11 Ill. Adm. Code 2251  
Concessionaire Rules; 11 Ill. Adm. Code 402  
Illinois Race Track Rules for Fire Safety; 11 Ill. Adm. Code 403  
Race Track Improvement Fund; 11 Ill. Adm. Code 404  
Special Purse and Reward Fund; 11 Ill. Adm. Code 410  
Race Track Surfaces; 11 Ill. Adm. Code 411  
Uniform System of Accounts; 11 Ill. Adm. Code 412  
Programs; 11 Ill. Adm. Code 415  
Sanitation Rules; 11 Ill. Adm. Code 420  
Approval of Racing Officials; 11 Ill. Adm. Code 422  
Prohibited Conduct; 11 Ill. Adm. Code 423  
Race Track Security; 11 Ill. Adm. Code 425  
Totalizator System Licensees; 11 Ill. Adm. Code 432  
Totalizator Operations; 11 Ill. Adm. Code 433  
Outstanding Tickets; 11 Ill. Adm. Code 434  
Intertrack Wagering Facilities; 11 Ill. Adm. Code 435  
Security Areas; 11 Ill. Adm. Code 436  
County Fair Regulations; 11 Ill. Adm. Code 437  
Licensing; 11 Ill. Adm. Code 502  
Responsibilities and Duties of Occupation Licensees; 11 Ill. Adm. Code 506  
Substance Abuse; 11 Ill. Adm. Code 508  
Medication; 11 Ill. Adm. Code 509  
Claiming Races; 11 Ill. Adm. Code 510  
Optional Claiming Races and Starter Allowances; 11 Ill. Adm. Code 719  
Thoroughbred Off-Track Stabling Rules; 11 Ill. Adm. Code 720  
Illinois Racing Board; 11 Ill. Adm. Code 1301  
Licensing; 11 Ill. Adm. Code 1302  
Violations; 11 Ill. Adm. Code 1303  
Race Track Operators and Their Duties; 11 Ill. Adm. Code 1305  
Race Officials; 11 Ill. Adm. Code 1306  
Identification of Horses; 11 Ill. Adm. Code 1307  
Racing, Farm, Corporate or Stable Name; 11 Ill. Adm. Code 1308  
Eligibility and Qualifications for Races; 11 Ill. Adm. Code 1309  
Stakes and Futures; 11 Ill. Adm. Code 1311  
Entries and Declarations; 11 Ill. Adm. Code 1312  
General Licensee Rules; 11 Ill. Adm. Code 1313  
General Racing and Track Rules; 11 Ill. Adm. Code 1314  
Starting; 11 Ill. Adm. Code 1316  
Drivers, Trainer, and Agents; 11 Ill. Adm. Code 1317  
Racing Rules; 11 Ill. Adm. Code 1318  
Placing and Money Distribution; 11 Ill. Adm. Code 1319  
Forbidden Conduct; 11 Ill. Adm. Code 1320  
Fines, Suspensions and Expulsion; 11 Ill. Adm. Code 1322  
Protests and Appeals; 11 Ill. Adm. Code 1323



## ILLINOIS RACING BOARD

## JANUARY 1996 REGULATORY AGENDA

Time and Records; 11 Ill. Adm. Code 1324  
 Security and Admissions; 11 Ill. Adm. Code 1325  
 Stewards; 11 Ill. Adm. Code 1402  
 Officials of Meetings; 11 Ill. Adm. Code 1403  
 Racing Secretary; 11 Ill. Adm. Code 1404  
 Clerk of the Scales; 11 Ill. Adm. Code 1405  
 Judges; 11 Ill. Adm. Code 1406  
 License and Application; Association Licenses; 11 Ill. Adm. Code 1407  
 Licensing of Participants; 11 Ill. Adm. Code 1408  
 Ownership, Partnership and Stable Name; 11 Ill. Adm. Code 1409  
 Trainers and Owners; 11 Ill. Adm. Code 1410  
 Jockeys, Apprentices, Jockey Agents and Valets; 11 Ill. Adm. Code 1411  
 Weights, Penalties and Allowances; 11 Ill. Adm. Code 1412  
 Entries, Subscriptions and Declarations; 11 Ill. Adm. Code 1413  
 Starting; 11 Ill. Adm. Code 1415  
 Rules of the Race; 11 Ill. Adm. Code 1416  
 Objections; 11 Ill. Adm. Code 1417  
 Employment; 11 Ill. Adm. Code 1420  
 Corrupt Practices; 11 Ill. Adm. Code 1422  
 Regulations for Meetings; 11 Ill. Adm. Code 1424  
 Discretionary Rules; 11 Ill. Adm. Code 1425  
 Night Racing; 11 Ill. Adm. Code 1426  
 Admissions and Credentials; 11 Ill. Adm. Code 1428  
 Every Employee Identified; 11 Ill. Adm. Code 1429  
 Horse Health Rules; 11 Ill. Adm. Code 1431  
 Disclosure Rules; 11 Ill. Adm. Code 1437  
 Quarter Horse Racing; 11 Ill. Adm. Code 1440

1) Rulemaking:

A) Description: The Illinois Racing Board plans to repeal all of the Parts listed above and propose new Parts containing similar language with respect to rules regarding horse racing. This rulemaking is intended to re-organize, re-number, clarify and update racing rules and regulations. This rulemaking will remove redundant and outdated provisions. This rulemaking effort will combine rules regarding harness and thoroughbred racing.

B) Statutory Authority: 230 ILCS 5/37-9(b)

C) Scheduled meeting/hearing dates: No hearing dates have been scheduled. Meetings will be scheduled based on public comments received by the Board.

D) Date agency anticipates First Notice: March 1, 1996

E) Affect on small businesses, small municipalities or not-for-profit corporations: None

## ILLINOIS RACING BOARD

## JANUARY 1996 REGULATORY AGENDA

F) Agency contact person for information:

Gina DiCaro  
 Illinois Racing Board  
 100 West Randolph Street, Suite 11-100  
 Chicago, IL 60601  
 (312) 814-5070  
 (312) 814-5039 (TDD)

G) Related rulemaking and other pertinent information: The Board plans to propose the following Parts which will replace the repealed Parts listed above:

Illinois Racing Board; 11 Ill. Adm. Code 200  
 Public Information; 11 Ill. Adm. Code 201  
 Rulemaking; 11 Ill. Adm. Code 202  
 Disciplinary Rules; 11 Ill. Adm. Code 211  
 Prohibited Conduct; 11 Ill. Adm. Code 212  
 Programs; 11 Ill. Adm. Code 220  
 Outstanding Tickets; 11 Ill. Adm. Code 319  
 Totalizator; License and Operations; 11 Ill. Adm. Code 320  
 Admissions; 11 Ill. Adm. Code 323  
 License; 11 Ill. Adm. Code 450  
 Duties; 11 Ill. Adm. Code 451  
 Race Track Improvement Fund; 11 Ill. Adm. Code 452  
 Uniform System of Accounts; 11 Ill. Adm. Code 453  
 Purses; 11 Ill. Adm. Code 454  
 Occupation Licensees and Duties; 11 Ill. Adm. Code 600  
 Racing Officials; 11 Ill. Adm. Code 601  
 Substance Abuse; 11 Ill. Adm. Code 602  
 Medication; 11 Ill. Adm. Code 603  
 Concessionaires; 11 Ill. Adm. Code 604  
 Stewards; 11 Ill. Adm. Code 800  
 Types of Races; 11 Ill. Adm. Code 801  
 Off-Track Stabling; 11 Ill. Adm. Code 802  
 Entries, Subscriptions and Declarations; 11 Ill. Adm. Code 803  
 Starting; 11 Ill. Adm. Code 804  
 Rules of the Race; 11 Ill. Adm. Code 805  
 Weights; 11 Ill. Adm. Code 806  
 Time and Records; 11 Ill. Adm. Code 807  
 Horse Health; 11 Ill. Adm. Code 808  
 Quarter Horse Racing; 11 Ill. Adm. Code 809

## DEPARTMENT OF REHABILITATION SERVICES

## JANUARY 1996 REGULATORY AGENDA

- a) Parts(s) (Heading and Code Citation): Blind Services Council, 89 Ill. Adm. Code 515

1. Rulemaking:

- A) Description: Revision to existing rules to allow for the appointment of individuals to the council when members of a blind services organization refuse to serve.

- B) Statutory Authority: The Randolph-Sheppard Vending Stand Act [20 U.S.C. 107].

- C) Scheduled meeting/hearing date: DORS does not anticipate the need for public input over the First Notice Period. Hearings, etc. will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100] as amended by P.A. 88-667.

- D) Date agency anticipates First Notice: February 1996

- E) Affect on small business, small municipalities or not-for-profit corporations: None

- F) Agency contact person for information:

Susan Warner, Manager  
Division of Regulations and Procedures  
Department of Rehabilitation Services  
623 East Adams, P.O. Box 19429  
Springfield, Illinois 62794-9429  
217/785-3896

- G) Related rulemakings and other pertinent information: No other information regarding this rule is determined to be necessary at this time.

- b) Parts(s) (Heading and Code Citation): Appeals and Hearings, 89 Ill. Adm. Code 510

1. Rulemaking:

- A) Description: Revision to existing parts clarify inclusion of school appeals.

- B) Statutory Authority: The Disabled Persons Rehabilitation Act [20 ILCS 2405].

- C) Scheduled meeting/hearing date: DORS does not anticipate

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the need for public input over the First Notice Period. Hearings, etc. will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100] as amended by P.A. 88-667.

- D) Date agency anticipates First Notice: July 1996

- E) Affect on small business, small municipalities or not-for-profit corporations: None

- F) Agency contact person for information:

Susan Warner, Manager  
Division of Regulations and Procedures  
Department of Rehabilitation Services  
623 East Adams, P.O. Box 19429  
Springfield, Illinois 62794-9429  
217/785-3896

- G) Related rulemakings and other pertinent information: No other information regarding this rule is determined to be necessary at this time.

- c) Parts(s) (Heading and Code Citation): Collection of Misspent Funds, 89 Ill. Adm. Code 527

1. Rulemaking:

- A) Description: It is anticipated that amendments will be filed which clarify how DORS will go about collecting funds incorrectly paid to Personal Assistants (PAs) through the Home Services Program. The rules will also specify what amounts may be collected from PAs as such amounts as FICA withholdings are reimbursed to DORS from other sources and are not the responsibility of PAs.

- B) Statutory Authority: The Disabled Persons Rehabilitation Act [20 ILCS 2405].

- C) Scheduled meeting/hearing date: DORS does not anticipate the need for public input over the First Notice Period. Hearings, etc. will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100] as amended by P.A. 88-667.

- D) Date agency anticipates First Notice: June 1996

- E) Affect on small business, small municipalities or

## DEPARTMENT OF REHABILITATION SERVICES

## JANUARY 1996 REGULATORY AGENDA

not-for-profit corporations: None

F) Agency contact person for information:

Susan Warner, Manager  
Division of Regulations and Procedures  
Department of Rehabilitation Services  
623 East Adams, P.O. Box 19429  
Springfield, Illinois 62794-9429  
217/785-3896

G) Related rulemakings and other pertinent information: No other information regarding this rule is determined to be necessary at this time.

d) Parts(s) (Heading and Code Citation): Criteria for the Evaluation of Programs of Services in Rehabilitation Facilities, 89 Ill. Adm. Code 530

1. Rulemaking:

A) Description: Adding information regarding an additional accreditation council and accreditation standards.

B) Statutory Authority: The Disabled Persons Rehabilitation Act (20 ILCS 2405).

C) Scheduled meeting/hearing date: DORS does not anticipate the need for public input over the First Notice Period. Hearings, etc. will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100] as amended by P.A. 88-667.

D) Date agency anticipates First Notice: July 1996

E) Affect on small business, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

Susan Warner, Manager  
Division of Regulations and Procedures  
Department of Rehabilitation Services  
623 East Adams, P.O. Box 19429  
Springfield, Illinois 62794-9429  
217/785-3896

G) Related rulemakings and other pertinent information: No

## DEPARTMENT OF REHABILITATION SERVICES

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other information regarding this rule is determined to be necessary at this time.

e) Parts(s) (Heading and Code Citation): Customer Financial Analysis, 89 Ill. Adm. Code 562

1. Rulemaking:

A) Description: It is anticipated that the Part will be totally revised. The revisions are to restructure the analysis of the ability of the customer and the customer's family to participate in the cost of services and to ensure all appropriate customer financial participation is obtained in order for DORS to maximize its financial resources.

B) Statutory Authority: The Disabled Persons Rehabilitation Act [20 ILCS 2405].

C) Scheduled meeting/hearing date: DORS does not anticipate the need for public input over the First Notice Period. Hearings, etc. will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100] as amended by P.A. 88-667.

D) Date agency anticipates First Notice: April 1996

E) Affect on small business, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

Susan Warner, Manager  
Division of Regulations and Procedures  
Department of Rehabilitation Services  
623 East Adams, P.O. Box 19429  
Springfield, Illinois 62794-9429  
217/785-3896

G) Related rulemakings and other pertinent information: No other information regarding this rule is determined to be necessary at this time.

f) Parts(s) (Heading and Code Citation): Services, 89 Ill. Adm. Code 590, Subpart J, Maintenance

1. Rulemaking:

A) Description: It is anticipated that amendments will be



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filed to clarify the scope and purpose of maintenance paid to customers.

B) Statutory Authority: The Disabled Persons Rehabilitation Act [20 ILCS 2405].

C) Scheduled meeting/hearing date: DORS does not anticipate the need for public input over the First Notice Period. Hearings, etc. will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100] as amended by P.A. 88-667.

D) Date agency anticipates First Notice: May 1996

E) Affect on small business, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

Susan Warner, Manager  
Division of Regulations and Procedures  
Department of Rehabilitation Services  
623 East Adams, P.O. Box 19429  
Springfield, Illinois 62794-9429  
217/785-3896

G) Related rulemakings and other pertinent information: No other information regarding this rule is determined to be necessary at this time.

g) Parts(s) (Heading and Code Citation): Services, 89 Ill. Adm. Code 590. Subpart K, Post-employment Services

1. Rulemaking:

A) Description: It is anticipated that amendments will be filed which clarify the scope under which post-employment services may be provided to customers of the Vocational Rehabilitation (VR) Program.

B) Statutory Authority: The Disabled Persons Rehabilitation Act [20 ILCS 2405].

C) Scheduled meeting/hearing date: DORS does not anticipate the need for public input over the First Notice Period. Hearings, etc. will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100] as amended by P.A. 88-667.

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D) Date agency anticipates First Notice: March 1996

E) Affect on small business, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

Susan Warner, Manager  
Division of Regulations and Procedures  
Department of Rehabilitation Services  
623 East Adams, P.O. Box 19429  
Springfield, Illinois 62794-9429  
217/785-3896

G) Related rulemakings and other pertinent information: No other information regarding this rule is determined to be necessary at this time.

h) Parts(s) (Heading and Code Citation): Services, 89 Ill. Adm. Code, Subpart F, Personal Support Services and Auxiliary Aids

1. Rulemaking:

A) Description: Amendments to this Subpart are anticipated which clarify that DORS retains title to all equipment purchased for customer use and the conditions that must be met by the customer to retain the equipment, during and after the period covered by the customer's Individualized Written Rehabilitation Program (89 Ill. Adm. Code 572).

B) Statutory Authority: The Disabled Persons Rehabilitation Act [20 ILCS 2405].

C) Scheduled meeting/hearing date: DORS does not anticipate the need for public input over the First Notice Period. Hearings, etc. will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100] as amended by P.A. 88-667.

D) Date agency anticipates First Notice: February 1996

E) Affect on small business, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

Susan Warner, Manager  
Division of Regulations and Procedures

## DEPARTMENT OF REHABILITATION SERVICES

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Department of Rehabilitation Services  
623 East Adams, P.O. Box 19429  
Springfield, Illinois 62794-9429  
217/785-3896

- G) Related rulemakings and other pertinent information: No other information regarding this rule is determined to be necessary at this time.

- i) Parts(s) (Heading and Code Citation): Projects with Industry (PWI), 89 Ill. Adm. Code 640

1. Rulemaking:

- A) Description: It is anticipated that amendments to this Part will be filed which clarify how DORS will interact with entities with approved PWIs. The clarifications will be made to detail the process to be followed by DORS when an entity with an approved PWI refers an individual seeking services through the PWI to DORS.

- B) Statutory Authority: The Disabled Persons Rehabilitation Act [20 ILCS 2405].

- C) Scheduled meeting/hearing date: DORS does not anticipate the need for public input over the First Notice Period. Hearings, etc. will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100] as amended by P.A. 88-667.

- D) Date agency anticipates First Notice: March 1996

- E) Affect on small business, small municipalities or not-for-profit corporations: None

- F) Agency contact person for information:

Susan Warner, Manager  
Division of Regulations and Procedures  
Department of Rehabilitation Services  
623 East Adams, P.O. Box 19429  
Springfield, Illinois 62794-9429  
217/785-3896

- G) Related rulemakings and other pertinent information: No other information regarding this rule is determined to be necessary at this time.

## DEPARTMENT OF REHABILITATION SERVICES

## JANUARY 1996 REGULATORY AGENDA

- j) Parts(s) (Heading and Code Citation): Vending Facility Program for the Blind, 89 Ill. Adm. Code 650

1. Rulemaking:

- A) Description: Revision to existing parts to clarify meaning.

- B) Statutory Authority: The Randolph-Sheppard Vending Stand Act [20 U.S.C. 107].

- C) Scheduled meeting/hearing date: DORS does not anticipate the need for public input over the First Notice Period. Hearings, etc. will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100] as amended by P.A. 88-667.

- D) Date agency anticipates First Notice: July 1996

- E) Affect on small business, small municipalities or not-for-profit corporations: None

- F) Agency contact person for information:

Susan Warner, Manager  
Division of Regulations and Procedures  
Department of Rehabilitation Services  
623 East Adams, P.O. Box 19429  
Springfield, Illinois 62794-9429  
217/785-3896

- G) Related rulemakings and other pertinent information: No other information regarding this rule is determined to be necessary at this time.

- k) Parts(s) (Heading and Code Citation): Eligibility, 89 Ill. Adm. Code 682

1. Rulemaking:

- A) Description: Amendments to this Part are anticipated which clarify that a customer cannot receive services through HSP and other programs funded under a Medicaid Waiver. Current rules contain a specific listing of programs and are not all inclusive of the programs under which an individual is prohibited from receiving services while receiving services through HSP.

- B) Statutory Authority: The Disabled Persons Rehabilitation

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Act [20 ILCS 2405].

- C) Scheduled meeting/hearing date: DORS does not anticipate the need for public input over the First Notice Period. Hearings, etc. will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100] as amended by P.A. 88-667.

- D) Date agency anticipates First Notice: July 1996

- E) Affect on small business, small municipalities or not-for-profit corporations: None

- F) Agency contact person for information:

Susan Warner, Manager  
Division of Regulations and Procedures  
Department of Rehabilitation Services  
623 East Adams, P.O. Box 19429  
Springfield, Illinois 62794-9429  
217/785-3896

- G) Related rulemakings and other pertinent information: No other information regarding this rule is determined to be necessary at this time.

- 1) Parts(s) (Heading and Code Citation): Admission, Suspension, Expulsion and Discharge Procedures, 89 Ill. Adm. Code 755

1. Rulemaking:

- A) Description: Revision to existing rule to allow for direct referral to ISVI. This revision is being done as a result of legislation passed in the summer session. Also, revisions to 755.30 and 755.40 to reflect the ages of students served by ISD and ISVI respectively.

- B) Statutory Authority: The Disabled Persons Rehabilitation Act [20 ILCS 2405].

- C) Scheduled meeting/hearing date: DORS does not anticipate the need for public input over the First Notice Period. Hearings, etc. will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100] as amended by P.A. 88-667.

- D) Date agency anticipates First Notice: April 1996

## DEPARTMENT OF REHABILITATION SERVICES

## JANUARY 1996 REGULATORY AGENDA

- E) Affect on small business, small municipalities or not-for-profit corporations: None

- F) Agency contact person for information:

Susan Warner, Manager  
Division of Regulations and Procedures  
Department of Rehabilitation Services  
623 East Adams, P.O. Box 19429  
Springfield, Illinois 62794-9429  
217/785-3896

- G) Related rulemakings and other pertinent information: No other information regarding this rule is determined to be necessary at this time.

- m) Parts(s) (Heading and Code Citation): Illinois Children's School and Rehabilitation Center's Respite Program, 89 Ill. Adm. Code 787

1. Rulemaking:

- A) Description: Revision to existing parts of School Respite Program appeal rules.

- B) Statutory Authority: The Disabled Persons Rehabilitation Act [20 ILCS 2405].

- C) Scheduled meeting/hearing date: DORS does not anticipate the need for public input over the First Notice Period. Hearings, etc. will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100] as amended by P.A. 88-667.

- D) Date agency anticipates First Notice: July 1996

- E) Affect on small business, small municipalities or not-for-profit corporations: None

- F) Agency contact person for information:

Susan Warner, Manager  
Division of Regulations and Procedures  
Department of Rehabilitation Services  
623 East Adams, P.O. Box 19429  
Springfield, Illinois 62794-9429  
217/785-3896

- G) Related rulemakings and other pertinent information: No



## DEPARTMENT OF REHABILITATION SERVICES

## JANUARY 1996 REGULATORY AGENDA

other information regarding this rule is determined to be necessary at this time.

- n) Parts(s) (Heading and Code Citation): Impartial Due Process Hearing, 89 Ill. Adm. Code 800

1. Rulemaking:

- A) Description: Revisions to existing parts to clarify the student appeals process at the DORS schools.

- B) Statutory Authority: The Disabled Persons Rehabilitation Act [20 ILCS 2405].

- C) Scheduled meeting/hearing date: DORS does not anticipate the need for public input over the First Notice Period. Hearings, etc. will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100] as amended by P.A. 88-667.

- D) Date agency anticipates First Notice: July 1996

- E) Affect on small business, small municipalities or not-for-profit corporations: None

- F) Agency contact person for information:

Susan Warner, Manager  
Division of Regulations and Procedures  
Department of Rehabilitation Services  
623 East Adams, P.O. Box 19429  
Springfield, Illinois 62794-9429  
217/785-3896

- G) Related rulemakings and other pertinent information: No other information regarding this rule is determined to be necessary at this time.

- o) Parts(s) (Heading and Code Citation): Special Education Personnel, 89 Ill. Adm. Code 810

1. Rulemaking:

- A) Description: Creation of a new part regulating the staff supervision of students at DORS schools.

- B) Statutory Authority: The Disabled Persons Rehabilitation Act [20 ILCS 2405].

## DEPARTMENT OF REHABILITATION SERVICES

## JANUARY 1996 REGULATORY AGENDA

- C) Scheduled meeting/hearing date: DORS does not anticipate the need for public input over the First Notice Period. Hearings, etc. will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100] as amended by P.A. 88-667.

- D) Date agency anticipates First Notice: May 1996

- E) Affect on small business, small municipalities or not-for-profit corporations: None

- F) Agency contact person for information:

Susan Warner, Manager  
Division of Regulations and Procedures  
Department of Rehabilitation Services  
623 East Adams, P.O. Box 19429  
Springfield, Illinois 62794-9429  
217/785-3896

- G) Related rulemakings and other pertinent information: No other information regarding this rule is determined to be necessary at this time.

- p) Parts(s) (Heading and Code Citation): Non-Academic Programs and Policies, 89 Ill. Adm. Code 830

1. Rulemaking:

- A) Description: Revision to existing parts dealing with the health services provided to the students at DORS schools and the payment for those services.

- B) Statutory Authority: The Disabled Persons Rehabilitation Act [20 ILCS 2405].

- C) Scheduled meeting/hearing date: DORS does not anticipate the need for public input over the First Notice Period. Hearings, etc. will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100] as amended by P.A. 88-667.

- D) Date agency anticipates First Notice: April 1996

- E) Affect on small business, small municipalities or not-for-profit corporations: None

- F) Agency contact person for information:

## DEPARTMENT OF REHABILITATION SERVICES

## JANUARY 1996 REGULATORY AGENDA

Susan Warner, Manager  
Division of Regulations and Procedures  
Department of Rehabilitation Services  
623 East Adams, P.O. Box 19429  
Springfield, Illinois 62794-9429  
217/785-3896

- G) Related rulemakings and other pertinent information: No other information regarding this rule is determined to be necessary at this time.

## DEPARTMENT OF TRANSPORTATION

## JANUARY 1996 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): Rail Freight Program; 92 Ill. Adm. Code 800

1) Rulemaking:

- A) Description: This Part contains the Department's requirements for rail freight capital improvement projects and the management and administration of the projects funded under this program. This rulemaking will bring this Part into conformance with standard industry practice and will also clear up ambiguities currently contained in the Part.

- B) Statutory Authority: Implementing and authorized by Sections 49.25d and 49.25g-1 of the Civil Administrative Code of Illinois [20 ILCS 2705/49.25d and 49.25g-1]

- C) Scheduled meeting/hearing date: None scheduled

- D) Date agency anticipates First Notice: Unknown

- E) Affect on small businesses, small municipalities or not-for-profit corporations: The revisions will make it easier for these entities to comply with the requirements and will enhance their ability to access assistance or funding.

- F) Agency contact person for information:

Christine Caronna-Beard, Rules Manager  
Illinois Department of Transportation  
Office of Chief Counsel, Room 300  
2300 South Dirksen Parkway  
Springfield, IL 62764  
(217) 782-3215

- G) Related rulemakings and other pertinent information: None

- b) Part(s) (Heading and Code Citation): Illinois Cycle Rider Safety Training Rules; 92 Ill. Adm. Code 455

1) Rulemaking:

- A) Description: This rulemaking will update the Cycle Rider Safety Training rules which have not been amended since December 1983.

- B) Statutory Authority: Implementing and authorized by 625 ILCS 35/1-5.

## DEPARTMENT OF TRANSPORTATION

## JANUARY 1996 REGULATORY AGENDA

- C) Scheduled meeting/hearing date: None scheduled
- D) Date agency anticipates First Notice: Unknown
- E) Affect on small businesses, small municipalities or not-for-profit corporations: This rulemaking will not affect small businesses, municipalities or not-for-profit corporations.
- F) Agency contact person for information:

Christine Caronna-Beard, Rules Manager  
 Illinois Department of Transportation  
 Office of Chief Counsel, Room 300  
 2300 South Dirksen Parkway  
 Springfield, IL 62764  
 (217) 782-3215

- G) Related rulemakings and other pertinent information: None

- c) Part(s) (Heading and Code Citation): Inspection, Repair and Maintenance; 92 Ill. Adm. Code 396

1) Rulemaking:

- A) Description: This Part prescribes the requirements for the inspection, repair and maintenance of commercial motor vehicles in Illinois. The purpose of this rulemaking will be to establish driver post-trip and pre-trip requirements for operators of commercial motor vehicles. This will be accomplished by incorporating federal standards in 49 CFR 396 by reference.

- B) Statutory Authority: Implementing and authorized by Sections 18b-102 and 18b-105 of the Illinois Motor Carrier Safety Law.

- C) Scheduled meeting/hearing date: None scheduled

- D) Date agency anticipates First Notice: Unknown

- E) Affect on small businesses, small municipalities or not-for-profit corporations: This rulemaking will affect small businesses that operate commercial motor vehicles.

- F) Agency contact person for information:

Christine Caronna-Beard, Rules Manager  
 Illinois Department of Transportation  
 Office of Chief Counsel, Room 300

## DEPARTMENT OF TRANSPORTATION

## JANUARY 1996 REGULATORY AGENDA

2300 South Dirksen Parkway  
 Springfield, IL 62764  
 (217) 782-3215

- G) Related rulemakings and other pertinent information: None

- d) Part(s) (Heading and Code Citation): Illinois Motor Carrier Safety Regulations; 92 Ill. Adm. Code 386, 390, 391, 392, 393, 395, 396 and 397

1) Rulemaking:

- A) Description: These rulemakings will update the Illinois Motor Carrier Safety Regulations (IMCSR). The IMCSR are updated annually to include all federal rulemakings and state legislative changes.

- B) Statutory Authority: Implementing and authorized by Sections 18b-102 and 18b-105 of the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18B]

- C) Scheduled meeting/hearing date: None scheduled

- D) Date agency anticipates First Notice: Unknown

- E) Affect on small businesses, small municipalities or not-for-profit corporations: These rulemakings will affect small businesses that operate commercial motor vehicles in Illinois.

- F) Agency contact person for information:

Christine Caronna-Beard, Rules Manager  
 Illinois Department of Transportation  
 Office of Chief Counsel, Room 300  
 2300 South Dirksen Parkway  
 Springfield, IL 62764  
 (217) 782-3215

- G) Related rulemakings and other pertinent information: None

- e) Part(s) (Heading and Code Citation): Regulations for Public Transportation Assistance to New Programs in Nonurbanized Areas; 92 Ill. Adm. Code 651

1) Rulemaking:

- A) Description: The Federal Urban Mass Transportation Act of 1964,



## DEPARTMENT OF TRANSPORTATION

## JANUARY 1996 REGULATORY AGENDA

as amended, authorizes the establishment of a program to provide federal funds for operating and capital assistance for public transportation services in rural and small urban areas. This Part is out-of-date. This rulemaking will update the Part which does not conform with current industry practice.

- B) Statutory Authority: Implementing Article III of the Downstate Public Transportation Act [30 ILCS 740/3] and authorized by Section 2 of Article III of the Downstate Public Transportation Act [30 ILCS 740/3-2].

- C) Scheduled meeting/hearing date: None scheduled

- D) Date agency anticipates First Notice: Unknown

- E) Affect on small businesses, small municipalities or not-for-profit corporations: No impact

- F) Agency contact person for information:

Christine Caronna-Beard, Rules Manager  
Illinois Department of Transportation  
Office of Chief Counsel, Room 300  
2300 South Dirksen Parkway  
Springfield, IL 62764  
(217) 782-3215

- G) Related rulemakings and other pertinent information: "Regulations for State Operating Assistance to Downstate Areas"; 92 Ill Adm. Code 653 will be amended also.

- F) Part(s) (Heading and Code Citation): Regulations for State Operating Assistance to Downstate Areas; 92 Ill. Adm. Code 653

1) Rulemaking:

- A) Description: The Downstate Public Transportation Act [30 ILCS 740/1] established a continuing program of State operating assistance for public transportation services outside the areas served by the Regional Transportation Authority (Cook, DuPage, Will, McHenry, Lake and Kane Counties) and outside Madison, Monroe and St. Clair Counties. This Part sets forth the purposes and conditions with which the operating assistance funds may be used. This rulemaking will amend the Part to update and bring it into conformance with current industry practice.

- B) Statutory Authority: Implementing and authorized by Sections 2-4,

## DEPARTMENT OF TRANSPORTATION

## JANUARY 1996 REGULATORY AGENDA

2-6 and 2-14 of the Downstate Public Transportation Act [30 ILCS 740/2-4, 2-6 and 2-14].

- C) Scheduled meeting/hearing date: None scheduled

- D) Date agency anticipates First Notice: Unknown

- E) Affect on small businesses, small municipalities or not-for-profit corporations: No impact

- F) Agency contact person for information:

Christine Caronna-Beard, Rules Manager  
Illinois Department of Transportation  
Office of Chief Counsel, Room 300  
2300 South Dirksen Parkway  
Springfield, IL 62764  
(217) 782-3215

- G) Related rulemakings and other pertinent information: See (e) above.

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of January 9, 1996 through January 15, 1996 and have been scheduled for review by the Committee at its January 23, 1996 or February 20, 1996 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield, IL 62706.

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
2/22/96	Department of Public Health, Food Service Sanitation Code (77 Ill Adm Code 750)	9/29/95 19 Ill Reg 13498	1/23/96
2/22/96	Department of Public Health, Retail Food Store Sanitation Code (77 Ill Adm Code 760)	9/29/95 19 Ill Reg 13520	1/23/96
2/22/96	Pollution Control Board, Special Waste Hauling (35 Ill Adm Code 809)	9/22/95 19 Ill Reg 13182	2/20/96
2/22/96	Illinois Gaming Board, Riverboat Gambling (86 Ill Adm Code 3000)	6/9/95 19 Ill Reg 7490	2/20/96

Rules acted upon during the quarter of January 1 through March 31, 1996 are listed in the Issues Index by Title number, Part number and Issue number. For example, 50 Ill. Adm. Code 952 published in Issue 2 will be listed as 50-952-2. Inquiries about the Issues Index may be directed to the Administrative Code Division at 217-782-7017.

**PROPOSED**

2-2500-2 86-100-4  
2-2501-2 86-470-2  
8-281-1 89-112-4  
8-285-1 89-102-2  
8-505-1 89-104-3  
11-410R-4 89-111-3  
11-502-3 89-112-2  
17-1538-3 92-1001-4  
20-107-1 89-113-2  
20-107-2 89-117-2  
20-801-4 89-121-4  
20-1280-1 89-140-3  
32-505-1 89-148-2  
32-601-3 89-160-3  
35-218-1 89-170-2  
35-219-1 89-240-4  
35-302-4 89-304-4  
35-307-3 89-312-2  
35-309-3 89-335-2  
35-310-3 89-338-4  
35-366-1 89-402-4

**ADOPTED**

2-1900-1 89-121-4  
2-1901-1 89-140-3  
8-20-4 89-148-2  
8-25-1 89-160-3  
8-30-4 89-170-2  
8-40-4 89-240-4  
8-55-4 89-304-4  
8-75-4 89-312-2  
8-85-1 89-335-2  
8-90-1 89-338-4  
8-100-4 89-402-4

**EMERGENCY**

14-135-1 14-135-1  
14-140-1 14-140-1  
14-145-1 14-145-1  
20-1280-1 20-1280-1  
56-5300-1 56-5300-1  
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77-250-1 77-250-1  
77-280-1 77-280-1  
77-300-1 77-300-1  
77-330-1 77-330-1  
77-340-1 77-340-1  
77-350-1 77-350-1  
77-370-1 77-370-1  
77-390-1 77-390-1  
77-395-1 77-395-1  
86-100-4 86-100-4  
89-312-2 89-312-2  
89-335-2 89-335-2  
92-1001-4 92-1001-4

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**GEORGE H. RYAN**  
**SECRETARY OF STATE**

Address:  
Index Department  
111 E. Monroe  
Springfield, IL 62756



